AGENDA

Bar Harbor Town Council

By Video Conference

May 19, 2020

The public can monitor by watching Spectrum channel 1303 or by live streaming on the town's website, www.barharbormaine.gov

I. CALL TO ORDER – 4:00 P.M.

A. Excused Absence(s)

II. PUBLIC COMMENT PERIOD - The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. Comments should be submitted to the Council Chair by email at jdobbs@barharbormaine.gov and will be read during the meeting.

III. APPROVAL OF MINUTES – May 5, 2020 Regular Meeting

IV. ADOPTION OF AGENDA

V. FINANCIAL REPORT - Review and possible adoption of a motion to accept the financial statements as presented.

VI. PUBLIC HEARINGS- The public can call in at 288-1710 and enter code 0173231 to speak during the following public hearings.

A. Special Amusement Permit Renewals

1. **Bar Harbor Club & Spa**, 111 West St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Richard Ade.
2. **Stewman's Lobster Pound Downtown**, 35 West St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Patrick Walsh.
3. **West Street Hotel**, 50 West St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Michael Walsh.
4. **Dog and Pony Tavern,** 4 Rodick Place, request for a Class 4, Other Entertainment, as submitted by Amanda Gallant.

B. Ethics Ordinance Amendment #2020-03 – Public comment and possible adoption of the amendment to Chapter 78 of the Municipal Code.

C. Cruise Ship Committee Ordinance Amendment #2020-04 – Public comment and possible adoption of the amendment to Chapter 31 of the Municipal Code.

D. Age Friendly Committee Ordinance Amendment #2020-05– Public comment and possible adoption of the amendment to Chapter 31 of the Municipal Code.

VII. REGULAR BUSINESS:

A. **COVID-19 Community Forums – Tabled from 5/5/20** Possible motion to approve the plan for the community forums.

B. **Town Land Salisbury Cove Right of Way – Tabled from 5/5/20** As requested by Joe Cough.

C. **Licensing Ordinances –** Review draft ordinances for Employee Living Quarters and Shared Accommodations. Possible motion to schedule public hearings for June 16, 2020.

D. **Street Closure –** Update on options to assist businesses with social distancing.

E. **Permit and Paid Parking Policy –** Possible motion to amend.

F. **Annual Town Meeting 2020 Notice of Public Hearing –** possible motion for staff to prepare the final notice for Council's signature and schedule the public hearing for June 16, 2020.

G. **Pandemic Items –** Discussion regarding playgrounds, meetings, comfort stations, July 4th activities, band concerts, etc.

H. **Treasurer's Warrants** – Request of Treasurer to authorize paid bills.

VIII. TOWN MANAGER'S COMMENTS

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

X. EXECUTIVE SESSION: (None Scheduled)

XI. ADJOURNMENT

To ensure your full participation in this meeting, please inform us of any special requirements you might have due to a disability. Please call 288-4098

Manager's Memo

To: Bar Harbor Town Council

cc: Department Heads

From: Cornell Knight, Town Manager

Date: Friday, May 15, 2020

Re: **Town Council Meeting of May 19th**

I. **A. Excused Absence(s)** – none that I am aware of but if there is, a possible motion: to excuse Councilor _____ as provided by Town Charter section C-12.B(1)(d).

V. **FINANCIAL REPORT** - Finance Director Stan Harmon has enclosed his report covering the first 10 months of the 2020 fiscal year. He will attend to review the highlights. If acceptable, a possible motion: to accept the Financial Report as presented.

VI. **PUBLIC HEARINGS**

A. Special Amusement Permit Renewals:

1. **Bar Harbor Club & Spa**, following public comment a possible motion: to approve Bar Harbor Club and Spa for a Class 3ad special amusement permit.
2. **Stewman's Lobster Pound Downtown**, following public comment a possible motion: to approve Stewman's Lobster Pound Downtown for a Class 3ad special amusement permit.
3. **West Street Hotel**, following public comment a possible motion: to approve West Street Hotel for a Class 3ad special amusement permit.
4. **Dog and Pony Tavern,** following public comment a possible motion: to approve Dog and Pony Tavern for a Class 4 special amusement permit.

B. Ethics Ordinance Amendment #2020-03 – enclosed are proposed amendments to Chapter 78, specifically if a member has a conflict they will not have to leave the meeting room. Following public comment, a possible motion: to adopt the amendments to Chapter 78 Ethics Ordinance of the Municipal Code as presented.

C. Cruise Ship Committee Ordinance Amendment #2020-04 – enclosed is a proposed amendment to the Cruise Ship Committee Ordinance to change the term of the representative of Acadia National Park to a one-year term. Following public comment, a possible motion: to adopt the amendment to Chapter 31 Cruise Ship Committee Ordinance of the Municipal Code as presented.

D. Age Friendly Committee Ordinance Amendment #2020-05– enclosed is an amendment to the Age Friendly Committee's Mission statement. Following public comment, a possible motion: to adopt the amendment to Chapter 31 Age Friendly Committee Ordinance of the Municipal Code as presented.

VII. REGULAR BUSINESS:

A. **COVID-19 Community Forums – Tabled from 5/5/20** Councilors Dobbs and Friedman, Nina St. Germain and I met to review the format tentatively set for May 28th at 5 pm. It will be a webinar video conference. Panelists will give a brief presentation and then open for Q and A. The meeting will be facilitated by Councilor Dobbs. Possible panelists include myself, Alf Anderson from the Chamber, a hospital/medical rep and a rep from Healthy Acadia. A possible motion: to schedule a pandemic forum on May 28th at 5 pm by video conference.

B. **Town Land Salisbury Cove Right of Way – Tabled from 5/5/20** I've not received a legal opinion yet.

C. **Licensing Ordinances-** Enclosed is a memo from Angela Chamberlain, Code Enforcement Officer, regarding a draft licensing ordinance for Employee Living Quarters and Shared Accommodations. A possible motion: to schedule a public hearing for June 16, 2020 for the purposes of hearing comments on the proposed Employee Living Quarters Licensing Ordinance Chapter 76 and Shared Accommodations Licensing Ordinance Chapter 168 of the Municipal Code.

D. **Street Closures-** the Council referred the street closures to staff to review. The Police and Fire Chiefs raised public safety issues if streets were closed to vehicles (see email). Staff participated in the discussion with the Parking Solutions Task Force and narrowed the options down to parklets leased by businesses and picnic tables in many areas of town. The Chamber has submitted some action items (see the enclosed note from Nina St. Germain). The Police Chief is looking into the alcohol consumption laws. The request to relaxing signage standards and display shop merchandise is being reviewed by Planning staff. A sample parklet was set up for a day on West Street (see pic). The Police and Fire Chiefs are concerned that the proposed set up is inadequate to protect persons seated that close to traffic. They are recommending an engineer or landscape architect set the standard for a parklet and have the Council adopt it. Locations of picnic tables are being worked on and will be presented at the meeting. A possible motion: staff to continue to work with the Chamber of Commerce on a safe and equitable plan to use parking spaces and parks to help with social distancing.

E. **Permit and Paid Parking Policy-** the Parking Solutions Task Force recommends two changes to the policy (enclosed), lowering the B & B fee (pg. 2) to $375 and adding an additional 15 min space (pg. 7) for the library for curbside drop off and pick up service. A possible motion: to approve the amendments to the Permit and Paid Parking Policy as presented.

F. **Annual Town Meeting Notice of Public Hearing-** enclosed is the notice of public hearing for the July 14th questions. A possible motion: to have staff prepare the final notice for Council's signature and schedule the public hearing for June 16, 2020.

G. **Pandemic Items**- Discussion/updates on items listed.

H. **Treasurer's Warrant** – A possible motion: <u>to sign the Treasurer's Warrants for paid bills.</u>

Minutes
Bar Harbor Town Council
By Video Conference
May 5, 2020

I. **CALL TO ORDER** – 4:00 P.M.- In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Erin Cough, Jill Goldthwait, Joe Minutolo; and Town Manager Cornell Knight.

A. **Excused Absence(s)** – all present.

II. **PUBLIC COMMENT PERIOD** - *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. Comments should be submitted to the Council Chair by email at jdobbs@barharbormaine.gov and will be read during the meeting* – None.

III. **APPROVAL OF MINUTES – April 21, 2020 Regular Meeting**

Mr. Hochman, with second by Ms. Cough, moved to approve the minutes as submitted.
Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

IV. **ADOPTION OF AGENDA** – Mr. Friedmann, with second by Mr. Coston, moved to approve the agenda with the exception of moving the Polco Survey Report up to Item A under Regular Business. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

V. **CONSENT AGENDA** - *A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:*

A. **Vehicles for Hire** – *Possible motion* to extend the expiration date for current vehicle for hire licenses from April 30 to June 30, 2020.

Mr. Hochman, with second by Ms. Cough, moved to approve the consent agenda as presented. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

VI. PUBLIC HEARINGS- *The public can call in at 288-1710 and enter code 0118220 to speak during the following public hearings.*

A. New Special Amusement Permit Request

1. **Fogtown Brewing Company**, *33 Cottage St, request for Class 3a, three or more musicians with mechanical amplification as submitted by Jonathan Stein.* An email from Loren Hubbard submitted to Council prior to the meeting was read. Police Chief Jim Willis responded. Jon Stein from Fogtown Brewing also answered questions. Mr. Hochman, with second by Ms. Cough, moved to approve the new Special Amusement Permit to Fogtown Brewing Company for a Class 3a permit. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

B. Special Amusement Permit Renewals

1. **Lompoc Café**, *36 Rodick St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by James Pike.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit to the Lompoc Cafe for a Class 3ad permit. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

2. **Atlantic Brewing for Mainely Meats BBQ**, *15 Knox Rd, request for Class 3a, three or more musicians with mechanical amplification as submitted by*

Alex Maffucci. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit to Atlantic Brewing for Mainely Meats for a Class 3a permit. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

3. **Atlantic Oceanside Hotel**, *119 Eden St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by David C. Witham.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit to Atlantic Oceanside Hotel for a Class 3ad permit. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

4. **Atlantic Midtown**, *52 Cottage St, request for Class 3a, three or more musicians with mechanical amplification as submitted by Alex Maffucci.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit to Atlantic Midtown for a Class 3a permit. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

VII. REGULAR BUSINESS:

A. COVID-19 Polco Survey Report - *Nina St. Germain, Engagement Coordinator.* Ms. St. Germain gave a PowerPoint presentation summarizing the survey results and answered Council questions. No action taken.

B. COVID-19 – *Governor Mills' reopening plan discussion.* Director of the Bar Harbor Chamber of Commerce Alf Anderson participated. Following a lengthy discussion, Mr. Coston, with second by Mr. Friedmann, moved that Bar Harbor's Council Chair and Town Manager, on behalf of the Bar Harbor Town Council,

reach out to Governor Mills and request a dialogue about adjusting the re-opening plan to make it more balanced, more optimistic, more inclusive, take into account our total health and give Bar Harbor every chance it has to survive 2020 and for the state to survive 2020 as well. Roll Call Vote:

Dobbs	Y
Hochman	N
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	N
Cough	N

Motion passed 4-3 (Nay: Hochman, Goldthwait, Cough).

C. **COVID-19 –** *Zoom forum planning discussion.* Nina St. Germain participated in the discussion. Mr. Friedmann, with second by Mr. Coston, moved to have Gary, Cornell, Jeff and Nina develop a plan for the community forums to be brought to the May 19 Council meeting for approval. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	N
Cough	Y

Motion passed 6-1 (Nay: Goldthwait).

D. **COVID-19 Task Force – Tabled from 4/21/20**. *Possible motion to form a task force.*

Mr. Hochman, with second by Mr. Friedmann, moved to remove this item from the table. Roll Call Vote:

Dobbs	Y
Hochman	Y
Coston	Y
Friedmann	Y
Minutolo	Y
Goldthwait	Y
Cough	Y

Motion passed 7-0.

Nina St. Germain participated in the discussion. Ms. Cough, with second by Mr. Friedmann, moved to form a Task Force in relation to COVID-19. Roll Call Vote:

Dobbs	N
Hochman	N
Coston	Y
Friedmann	Y
Minutolo	N
Goldthwait	N

Cough N
Motion failed 5-2 (Nay: Dobbs, Hochman, Minutolo, Goldthwait, Cough).

E. **Road Closure –** *Request from the Thirsty Whale to close Cottage Street from Rodick to Main during the upcoming season.* Police Chief Jim Willis and Heather Sorokin participated in the discussion. Mr. Coston, with second by Mr. Hochman, moved that Cornell form an internal working group as described by Chief Willis with the people on that group to be at Cornell's discretion, to help us work through issues. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

F. **Citizens' Petition: Vacation Rentals** – *Council's final determination of petition and possible motion to place on the July 14, 2020 town meeting warrant.* Mr. Hochman, with second by Ms. Goldthwait, moved to place the Citizens' Initiative vacation rental question on the July 14, 2020 town meeting warrant. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo N
Goldthwait Y
Cough N
Motion passed 5-2 (Nay: Minutolo, Cough).

G. **Road Acceptance –** *Request by Joe Cough to discuss the possibility of the Town taking over a subdivision road.*
Councilor Cough requested recusal since Joe is her husband. Mr. Coston, with second by Mr. Hochman, moved to recuse Councilor Cough for the appearance of conflict of interest as disclosed. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Motion passed 6-0-1 (Recused: Cough.)

Joe Cough and Perry Moore participated. An email received from John Kelly prior to the meeting was read. Mr. Moore stated this is not about road acceptance but proposing a right of way to the town land in Salisbury Cove abutting the

subdivision. Following discussion, Ms. Goldthwait, with second by Mr. Friedmann, moved to table this until May 19 for further information. Roll Call Vote:

Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Motion passed 6-0-1 (Recused: Cough).

H. Fire Prevention Ordinance Amendment - *Possible motion to schedule a public hearing for June 2, 2020 to hear comments on an amendment to Chapter 85 of the Municipal Code.* Mr. Hochman, with second by Ms. Cough, moved to schedule a public hearing for June 2, 2020 to hear comments on the amendment to Chapter 85 Fire Prevention of the Municipal Code. Roll Call Vote:

Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

I. Vehicles and Traffic Ordinance Amendment - *Possible motion to schedule a public hearing for June 2, 2020 to hear comments on an amendment to Chapter 194 of the Municipal Code.* Mr. Hochman, with second by Ms. Cough, moved to schedule a public hearing for June 2, 2020 to hear comments on the amendments to Chapter 194 Vehicles and Traffic Ordinance of the Municipal Code. Roll Call Vote:

Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

J. Permit and Paid Parking Policy – *Possible motion to amend.* Mr. Hochman, with second by Ms. Cough, moved to approve the amendments to the Permit and Paid Parking Policy as presented. Roll Call Vote:

Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y

Goldthwait Y
Cough Y
Motion passed 7-0.

K. COVID-19 Pandemic Emergency Addendum to Personnel Rules – *Possible motion to enact.* Sarah Gilbert presented the addendum. Mr. Hochman, with second by Ms. Cough, moved to approve the Emergency Addendum to the town's Personnel Rules as presented. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

L. Treasurer's Warrant - *Request of Treasurer to authorize paid bills.* – Mr. Hochman, with second by Ms. Cough, moved to sign the Treasurer's Warrants for paid bills. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

VIII. TOWN MANAGER'S COMMENTS – None.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Hochman thanked everyone for sitting through this marathon meeting. I appreciate all your viewpoints, whether we agree or not. Thank you for all your hard work. He also reminded the public we are all working towards everyone's best interest.

Mr. Friedmann and Mr. Coston echoed Mr. Hochman.

Ms. Goldthwait stated she loved the emails we got this week. They were long, detailed, full of information. They were really helpful and had good ideas.

Mr. Dobbs seconded Jill and added they were civil, which is appreciated. He also mentioned he would call Cornell tomorrow about contacting the governor.

X. EXECUTIVE SESSION: (none)

XI. ADJOURNMENT – Mr. Hochman, with second by Mr. Friedmann, moved to adjourn at 8:48 p.m. Roll Call Vote:
Dobbs Y
Hochman Y
Coston Y

Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

Sharon M Linscott, Town Clerk

Memo

To: Town Councilors; Cornell Knight

From: Stan Harmon, Finance Director

CC: Department Heads

Date: 5/11/2020

Re: Fiscal Year 2020 – April 30, 2020 – 11 Months Results

General Fund

Attached are the financial results for 10 months of operations for FY 2020 through April. I am cautiously optimistic that the Town will remain within its appropriation spending limits for the year but we certainly won't have the surplus in revenues this year due to the COVID19 impact.

Expenditures (83% goal)

The April summary statements show 83% spent versus a comparable 84.0% of the budget spent last year. 82.4% of the $4.1 million in budgeted municipal wages are spent year-to-date compared to 83% in April 2019. Legal continues to trend higher right now along with Dispatch and Town Offices. Savings in Streetlight electricity (versus budget) is trending favorably due to the LED streetlight conversion. At end of April, the Town has expended approximately $22,000 due to the Coronavirus outbreak. One unanticipated higher expense hit beyond the budgeted amount will be for the uncompensated absences budget line item in the Miscellaneous department due to many of the Town staff having to work and cancel their vacations---thus increasing the liability expense to the budget.

Non-Property Tax Revenues (83% goal)

84% of the budget for non-property tax revenues is now collected versus 90% at this point last year. With ten months of activity booked we still remain on the path to hit many of the various budget targets for the year with the likely exceptions of Vacation rental permit income for the year ($250), as that is still a relative unknown until the end of May; we are experiencing a full year of the loss of *Sonogee* runs in Ambulance as well as the negative lower number of runs due to COVID19. COV19 is certainly hurting vehicle excise taxes collected more than I anticipated as we are short of last year by $61,000. A pleasant surprise is Building Permits reaching its budget.

Ambulance Revenues - *Loss of Sonogee & COVID19 explains the lower runs*

FY 2020	10 Months YTD Runs Billed	482	Ave. Gross Billing (per run)	$720
FY 2019	10 Months YTD Runs Billed	651	Avg. Gross Billing (per run)	$670
FY 2018	10 Months YTD Runs Billed	694	Avg. Gross Billing (per run)	$650
FY 2020	10 Months YTD Runs billed	482	Net Collections (per run)	$347
FY 2019	10 Months YTD Runs billed	651	Net Collections (per run)	$390
FY 2018	10 Months YTD Runs billed	694	Net Collections (per run)	$367

	4/30/2020	4/30/2019
Ambulance Accounts Receivable	$212,696	$212,659

Excise-Motor Vehicle Revenues- *down 15% in units and off by 8% in revenue*

FY 2020	10 Months YTD	3499 units	$798,652	=$228 / per vehicle
FY 2019	10 Months YTD	4138 units	$869,110	=$210 / per vehicle
FY 2018	10 Months YTD	4012 units	$848,389	=$211 / per vehicle
FY 2017	10 Months YTD	3942 units	$810,236	=$205 / per vehicle

Building Permitting Revenue-*looking good!*

FY 2020	10 Months YTD	238 permits	$128,655	=$540 / permit
FY 2019	10 Months YTD	223 permits	$ 84,252	=$378 / permit
FY 2018	10 Months YTD	203 permits	$ 82,343	=$406 / permit
FY2017	10 Months YTD	226 permits	$109,458	=$484 / permit

Vacation Rentals-*rentals expire & renew May 31st*		Budget	Actual
FY2020	10 Months YTD *(336 so far)*	$175,000	$84,200
FY2019	10 Months YTD	$ 900	$ 3,300

FY '20 Previously Authorized Council Budget Adjustments or Transfers:

Contingency Fund Activity for FY '20:

Beginning Balance	(Town Meeting Approval)	$53,366
Minutes-10/15/10-Park St. School Landscape Design (cancelled)		- 0
Minutes-11/19/19-Ambulance Billing software (to #1042-5368)		-7,188
Minutes-1/7/20-FireAlarm System-Kids Corner (not to exceed)		-8,721
Minutes-3/16/20-Prelim Transfer for Emerg Mgt exps-CV19 (#1063)		-25,000
Ending Balance	@ 4/30/20 (available #1036-5906)	$12,457

Other General Fund Transfers: Town Council 10/1/2019

From: #1022-5700 -TSA Comp. Eqpmt	-$ 10,000
Town Council 1/21/2020	
To: #1053-5830 Marine Resource Com	$ 3,800
Rev:#1053-4512 MCF Clam Grant	$ 3,800

Capital Improvement Transfers/Adjustments:

To: #2122-6117 -PD-Virtual Desktops	$ 5,000
To: #2122-6124 -PD-Car Video Storage	$ 5,000
From: 2142-6214-Fire Tr#2	-$173,005

	From: 2142-6218-Ladder Tr	-$ 36,865
	To: 2142-6220-Fire Eng Tr #5	$209,870
TC 1/21/20	From: 2182-6190-Undesignated	-$ 60,000
	To: 2149-6246-PSBldg Renov.	$ 60,000

Cruise Ship Fund Transfers: NONE

Parking Fund Transfers: NONE

Property Tax Collection & Receivable Update:
The 2019 tax collections lagged the prior year by $500,000 at the end of April, an improvement to the $1 million shortfall we saw at the end of March due to the emergency action taken by Council to defer payments and interest to 4/30/20. 526 tax parcels remain unpaid vs 308 in April of 2019.

Tax Year	Property Taxes Outstanding Balance	@ 4/30/20 %	@ 4/30/19 Balance	%
2006-12	$ 20,034	0.1%	$ 20,275	0.1%
2013	$ 2,870	0.1%	$ 3,097	0.1%
2014	$ 3,071	0.1%	$ 3,105	0.1%
2015	$ 3,728	0.1%	$ 3,751	0.1%
2016	$ 3,565	0.1%	$ 3,935	0.1%
2017	$ 11,415	0.1%	$ 176,438	1.1%
2018	$ 295,337	1.7%	$ 1,107,415	6.4%
2019	$ 1,560,813	8.7%		

Cash Investment and Status Report / Banking
On April 30th, the Town had $17,600,000 on hand in all funds—approximately $1.3 million more than last year's total balances at this same time period, due to new Parking fees received, the timing of CIP payments and higher fund balances, but partially offset by approximately $1 million in taxes that did not come in by the Council deferring the 2nd half tax due date. Checking interest rates have dropped to .99% vs. 2.1% last year.

Wastewater Division Fund

Financials (83% - 10 month Benchmark)

Spending shows the following:	**Annual Budget**	**Aprl YTD Actual**	**% Spent**
Oper & Maint-FY2020-this year	*$1,505,039*	*$1,196,802*	*79%*
Oper & Maint-FY2019-last year	*$1,469,846*	*$1,069,270*	*73%*

	4/30/2020	**4/30/2019**
Accounts Receivable-Wastewater	$206,583	$123,193

Due to a deferral of interest on payments through April 30th, the Wastewater and Water receivables outstanding are higher at month end.

Water Division Fund

Financials (83%-10 month Benchmark)

Spending shows the following:	**Annual Budget**	**Aprl YTD Actual**	**% Spent**
Oper & Maint-FY2020-this year	*$1,126,055*	*$932,982*	*83%*
Oper & Maint-FY2019-last year	*$1,106,634*	*$796,169*	*72%*

	4/30/2020	**4/30/2019**
Accounts Receivable-Water	$190,592	$91,912

Technology

April was even more chaotic than March for Steve. He built/programmed/configured additional pc's & laptops for remote work by Town employees in all the departments; rewired and moved equipment in the PD/Dispatch renovation; built a new *Watchguard* video server, performed numerous Zoom training sessions for staff use; re-configured and assist in the broadcast system for ensuring Zoom integration; rework and update NAS storage for WW videos; build, install and configure refurbished CISCO switches (faster & more reliable communications) at various department locations; build the new *Munis* server for the planned migration to a new software upgrade; replace the core switches in the server room and successfully complete the final core switch cutover and deploy the VEEAM backup server.

Assessing

In April Assessing finished its Spring review in April. It was a bit more complicated, as the staff had to rely more on the information in the building permit files to supplement their field exterior inspections. Most work not in the field was accomplished remotely, such as processing the personal property and Income & Expense returns (the latter relating to the commercial revaluation, or what the Assessor indicates is really a statistical update).

Discretionary Direct spending:

		Budget	Actual-Aprl	
Cruise Ship Fund – Direct Expenses:	FY20	$173,139	$96,044	55%
Chamber, Dues, Ins., Isl Explor, etc.	FY19	$150,112	$94,482	63%

Parking Fund – Direct Expenses:	FY20	Budget	Actual-Aprl	
Wages, signs, IPS lic fees, supplies etc.		$142,865	$111,137	78%

Town of Bar Harbor

Expenses - Period Ending

4/30/20

08-May-20

83% of Year Completed

General Fund	Dept	A FY '20 Annual Adj'd Budget	B FY '20 10 Months Actual	C FY '19 12 Months Pre-Audit	D Bud Variance Under (over) Col. A-B	E % Spent of Budget (B/A=E)	FY '18 12 Months Actual	Comments on variances
Town Council	10	$ 39,992	$ 25,206	$ 35,212	7,987	63.0%	$ 33,267	Timing
Town Manager	12	$ 131,109	$ 103,918	$ 124,862	4,902	79.3%	$ 120,121	
Town Clerk	14	$ 126,986	$ 100,737	$ 118,345	4,661	79.3%	$ 111,685	
Finance Dept.	16	$ 357,476	$ 302,393	$ 352,773	(5,688)	84.6%	$ 322,520	
Town Attorney	18	$ 47,950	$ 49,566	$ 54,220	(9,768)	103.4%	$ 18,858	Higher Trend
Elections	20	$ 18,734	$ 8,838	$ 13,189	6,711	47.2%	$ 18,326	Timing
Technology	22	$ 165,474	$ 137,488	$ 155,231	(145)	83.1%	$ 125,165	
Municipal Building	24	$ 79,511	$ 65,680	$ 86,046	314	82.6%	$ 73,551	
Town Offices	26	$ 42,745	$ 41,450	$ 43,163	(5,972)	97.0%	$ 37,465	Timing/Higher trend
Employee Benefits	28	$ 1,606,159	$ 1,359,622	$ 1,505,015	(26,510)	84.7%	$ 1,436,019	
Code Enforcement	30	$ 101,923	$ 83,418	$ 74,430	1,178	81.8%	$ 65,125	
Assessing Dept.	32	$ 151,158	$ 124,189	$ 137,892	1,272	82.2%	$ 126,884	
Planning Dept.	34	$ 221,203	$ 164,349	$ 126,426	19,249	74.3%	$ 134,624	Timing
Miscellaneous	36	$ 214,395	$ 161,598	$ 201,464	16,350	75.4%	$ 209,267	Timing/Higher trend
Fire / Ambulance Dept	42	$ 941,785	$ 789,397	$ 885,013	(7,715)	83.8%	$ 800,244	
Hydrants-Public Fire	43	$ 585,602	$ 585,604	$ 585,604	(99,554)	100.0%	$ 585,604	
Police Dept.	45	$ 1,283,376	$ 1,039,764	$ 1,272,780	25,438	81.0%	$ 1,036,534	
Dispatch Division	47	$ 234,854	$ 198,527	$ 220,185	(3,598)	84.5%	$ 214,261	Higher Trend
Public Safety Bldg.	49	$ 49,904	$ 43,202	$ 45,930	(1,782)	86.6%	$ 35,282	
Street Lights	51	$ 73,575	$ 39,833	$ 65,925	21,234	54.1%	$ 71,608	Lower Trend
Harbor Dept.	53	$ 129,558	$ 100,028	$ 126,722	7,505	77.2%	$ 111,474	
Parks & Rec & Glen M	59	$ 438,577	$ 383,884	$ 416,358	(19,865)	87.5%	$ 236,375	
EmrgMgt/Gen. Assist	63/66	$ 26,187	$ 22,378	$ 496	(643)	85.5%	$ 1,700	
Cooperating Agencies	68	$ 57,681	$ 57,681	$ 45,092	(9,806)	100.0%	$ 40,038	Timing
Comfort Station	70	$ 99,728	$ 83,606	$ 100,368	(832)	83.8%	$ 93,438	
Public Works	75	$ 153,081	$ 99,337	$ 148,951	27,720	64.9%	$ 143,258	Staff vacancy
Highway Dept	77	$ 1,125,114	$ 923,729	$ 1,082,238	10,116	82.1%	$ 1,033,837	
Solid Waste	79	$ 727,340	$ 563,021	$ 773,154	40,671	77.4%	$ 641,258	Timing
General Fund Totals		$ 9,231,177	$ 7,658,443	$ 8,797,084	$ 3,434	83.0%	$ 7,877,788	
payroll periods		26	22	26		84.6%	26	

FY20 Budget Includes $55,776 in carryover encumbrances from FY2019 & $3800 MCF Clam grant in Harbor

General Fund - Revenues

Town of Bar Harbor
YTD April 30, 2020
83% - 10 Months

Department	Budget FY'20 12 Months	Actual FY'20 10 Months	Audited FY'19 12 Months	Bud. Var. Favorable (Unfavorable)	% Rev's Received 83% Goal	Variances From Budget Goal Comments
Town Clerk Fees	$ 24,320	$ 15,850	$ 28,186	(4,336)	65%	Timing
Finance Department	$ 179,396	$ 138,806	$ 181,058	(10,093)	77%	
Municipal Building Rents	$ 33,000	$ 33,313	$ 36,705	5,923	101%	Budget met
Code Enforcement Permits	$ 328,800	$ 281,922	$ 214,213	9,018	86%	
Planning Fees	$ 16,550	$ 24,620	$ 29,347	10,884	149%	Budget met
Ambulance/Fire Fees	$ 333,200	$ 168,342	$ 342,354	(108,214)	51%	$88,000 short of FY19
Police/Dispatch Department	$ 170,727	$ 118,681	$ 216,286	(23,022)	70%	Timing
Harbor Department	$ 62,700	$ 66,108	$ 68,841	14,067	105%	Budget met
Parks & Recreation	$ 800	$ 800	$ 900	136	100%	Budget met
Highway Division	$ 11,785	$ 16,298	$ 13,442	6,516	138%	Budget met
Solid Waste-Recycling	$ 420	$ 4,693	$ 10,275	4,344	1117%	Budget met
Departmental	**$ 1,161,698**	**$ 869,433**	**$ 1,141,607**	(94,776)	**75%**	
P.I.L.O.T.'s	$ 137,265	$ 156,339	$ 147,061	42,409	114%	Budget met
Interest Income	$ 54,000	$ 90,312	$ 149,787	45,492	167%	Budget met
Misc, Cable Franch., other	$ 124,910	$ 134,569	$ 135,699	30,894	108%	Budget met
Excise & Other Taxes	$ 1,035,000	$ 841,027	$ 1,167,836	(18,023)	81%	$61,000 short of FY19
Intergovernmental	$ 396,369	$ 358,349	$ 336,068	29,363	90%	On target
Revenues-Subtotal	**$ 2,909,242**	**$ 2,450,029**	**$ 3,078,058**	35,358	**84%**	
Property Taxes	$ 17,892,429	$ 17,917,087	$ 17,241,788		100%	
Transfers In-CS & Other Funds	$ 435,692	$ 429,568	$ 363,941		99%	Timing
Fund Balance Used	$ 55,000	$ -	$ -		0%	
Grand Total-General Fund	**$ 21,292,363**	**$ 20,796,684**	**$ 20,683,787**		97.7%	
Wastewater Revenues	$ 2,144,400	$ 1,771,853	$ 2,411,183		83%	3 Qtrs billed - in arrears
Water Revenues	$ 2,151,302	$ 2,143,095	$ 2,295,858		100%	4 qtrs billed in Advance
CIP Fund Rev's/Transfers	$ 3,774,090	$ 3,728,438	$ 7,328,506		99%	Timing
Cruise Ship Fund Rev's	$ 1,133,839	$ 930,055	$ 1,023,708		82%	Budget shortfall
Parking Fund (net of Trans Fees)	$ 510,750	$ 1,287,544	$ 315,765		252%	June to go

TOWN OF BAR HARBOR
CASH / INVESTMENT STATUS @ April 30, 2020

Note	Bank	Acct. No.	Purchase	Maturity	Interest Rate	Amount
****CHECKING ACCOUNTS**						
GENERAL	BHBT	77548521	**GL #10-1140**		0.75%	$ 7,330,000
SEWER	MACHIAS SB	8100333860 / 930	**GL #35-1135**		0.05%	$ 18,000
PARKING	MACHIAS SB	100184337	**GL #64-1140**		0.25%	$ 19,000
SEWER	BHBT	77548513	**GL #35-1140**		0.75%	$ 1,797,000
WATER	BHBT	77548556	**GL #40-1140**		0.75%	$ 1,609,000
	Total Checking Accounts					**$ 10,773,000**
GENERAL	The 1st		collaterized securities	**GL #10-1145**	1.26%	**$ 1,205,000**
GENERAL	The 1st		collaterized securities	**GL #10-1146**	1.26%	**$ 1,049,000**
PARKING	MACHIAS SB	ICS - CDARS	FDIC custodial bank deposits	**GL #64-1120**	1.10%	**$ 1,076,000**
SEWER	MACHIAS SB	ICS - CDARS	FDIC custodial bank deposits	**GL #35-1120**	1.10%	**$ 573,000**
****CERTIFICATES OF DEPOSIT: money market**						
Gen Fnd	The First	17 months	27-Apr-20	27-Sep-21	0.15%	$ 91,057
Gen Fnd	BHS&L	18 Months	28-Jun-19	28-Dec-20	2.05%	$ 116,933
Gen Fnd	BHS&L	18 Months	19-Jun-19	19-Dec-20	2.05%	$ 117,242
Gen Fnd	UTC-Camden	12 Month CD	11-Feb-20	11-Feb-21	0.35%	$ 110,347
Gen Fnd	UTC-Camden	12 Month CD	10-Feb-20	10-Feb-21	0.20%	$ 109,546
Gen Fnd	UTC-Camden	6 Mos.-CDARS	26-Mar-20	26-Sep-20	0.15%	$ 244,452
#10-1160		Total Certificates of Deposit				**$ 789,577**
CIP Reserves: Bar Harbor Banking & Trust - Trust Department				*@ 3/31/20*		
GENERAL	COMB-combined funds		Money Mkt Funds Sweep		1.51%	$ 253,287
	Toyota Motor Credit Corp		Bond - AA- S&P	4/13/2021	2.95%	$ 101,756
	JP Morgan Chase Co.		Bond - A- S&P	10/29/2020	2.55%	$ 101,077
	Mead Johnson		Bond - A- S&P	11/15/2020	3.00%	$ 70,657
	Apple, Inc.		Bond - AA+ S&P	11/13/2020	2.00%	$ 111,277
	Bank America Corp.		Bond - A- S&P	10/21/2022	2.52%	$ 101,368
	ABBVIE Inc.		Bond - A- S&P	11/6/2022	2.90%	$ 102,258
	Qualcomm Inc.		Bond - A- S&P	5/20/2020	2.27%	$ 100,806
	Boeing		Bond - BBB S&P	10/30/2021	2.35%	$ 47,873
	Morgan Stanley		CD	1/5/2021	2.00%	$ 151,725
	US Treasury Note		Note - Aaa -Moody's	9/30/2020	2.75%	$ 202,608
	Goldman Sachs Bank		CD -	2/6/2023	1.80%	$ 175,942
	IBM Credit LLC		Bond - A S&P	11/30/2021	3.51%	$ 104,580
	Wells Fargo Co.		Bond - A- S&P	7/22/2027	2.60%	$ 100,517
	Canadian Natl Rwy Co.		Bond - A S&P	12/15/2021	2.85%	$ 98,997
	Intercontinental Exchange		Bond - A S&P	12/1/2020	2.74%	$ 101,046
	Wells Fargo Bank NA		CD	9/8/2021	3.06%	$ 102,697
	UBS AG		Bond - A+ S&P	3/13/2023	2.20%	$ 100,017
	#10-1170	Total In Trust Fund	***(45/50-1170)***			**$ 2,128,488**
	TOTALS: All CASH & INVESTMENTS					**$ 17,594,065**

Notes: Checking Accounts and money markets above $250,000 are protected by Bar Harbor Bank's collateral (US Gov't or agency securities) that are held in joint custody at the Federal Reserve Bank of Boston.

GENERAL = Combined General, CIP, School and Cruise Ship Cash

BHBT = Bar Harbor Bank & Trust Co.
The First = First National Bank Of Damariscotta
UTC = Camden National Bank
BHS&L = Bar Harbor Savings & Loan Co.
MSB = Machias Savings

Town Bond Rating:	Affirmed	March '19	Aa2 Moody's
	Affirmed	March '19	AAA S & P's
State of Maine Bond Rating:		May '12	AA S & P's
State of Maine Bond Rating:		June '14	Aa2 Moody's
State of Maine Bond Rating:		Jan '13	AA Fitch
Hancock County Rating		Jan '11	Aa2 Moody's
Hancock County Rating		Jan '11	AA S & P's
U.S. Government Rating		August '11	AA S & P's

VI A1

Town of Bar Harbor
Application for Special Amusement Permit

Permit Fee $129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 4/27/2020 Application Type: New ____ Renewal X Permit Number: ____ (assigned by Town)

Applicant Name: BHTC 111, LLC Business Name: Bar Harbor Club & Spa

Business Address: 111 West Street (Physical Address in Bar Harbor) Mailing Address: 1000 Market St. Portsmouth, NH 03801 (If different)

Type of Business: Restaurant/Lounge (Restaurant, Bar, Nightclub, etc.) Location to be used: all areas to be permitted within the club (Where on the premises will the amusement take place? Use back of page if necessary.)

Phone: 603-559-2167

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes ____ No X
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ____ No X
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- ☐ Class 1 – Single musician
- ☐ Class 2 – Two musicians
- ☐ Class 3 – Three or more musicians

With Mechanical Amplification

- ☐ Class 1a – Single musician
- ☐ Class 2a – Two musicians
- ☐ Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- ☐ Class 1ad – Single musician
- ☐ Class 2ad – Two musicians
- ☑ Class 3ad – Three or more musicians

*Dancing also requires a state permit & Fire Marshall inspection

Other Entertainment or Amusement

- ☐ Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Applicant's Signature

Richard C. Lee, Manager

The Municipal Officers of Bar Harbor hereby ☐ approve ☐ deny this application on ____ (Date)

Sharon M Linscott, Town Clerk

Revised 07/08/2019

VI A2

Town of Bar Harbor
Application for Special Amusement Permit

Permit Fee
$129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 4/24/2020 Application Type: New ____ Renewal X Permit Number: ____ (assigned by Town)

Applicant Name: Young's Pier, LLC Business Name: Stewman's Lobster Pound Downtown

Business Address: 35 West Street *Physical Address in Bar Harbor* Mailing Address: 1000 Market Street, Building One, Suite 300, Portsmouth, NH 03801 *If different*

Type of Business: Restaurant/Lounge *Restaurant, Bar, Nightclub, etc.* Location to be used: any and all space located at 35 West Street *Where on the premises will the amusement take place? Use back of page if necessary.*

Phone: 207-288-0346

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes ____ No X
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ____ No X
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- ☐ Class 1 – Single musician
- ☐ Class 2 – Two musicians
- ☐ Class 3 – Three or more musicians

With Mechanical Amplification

- ☐ Class 1a – Single musician
- ☐ Class 2a – Two musicians
- ☐ Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- ☐ Class 1ad – Single musician
- ☐ Class 2ad – Two musicians
- ☑ Class 3ad – Three or more musicians

*Dancing also requires a state permit & Fire Marshall inspection

Other Entertainment or Amusement

- ☐ Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Applicant's Signature

The Municipal Officers of Bar Harbor hereby ☐ approve ☐ deny this application on ____ *Date*

Sharon M Linscott, Town Clerk

Revised 07/08/2019

VI A3

Town of Bar Harbor
Application for Special Amusement Permit

Permit Fee
$129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 4/24/2020 Application Type: New ____ Renewal X Permit Number: ____ (assigned by Town)

Applicant Name: West Street Hotel, LLC Business Name: West Street Hotel

Business Address: 50 West Street (*Physical Address in Bar Harbor*) Mailing Address: 1000 Market Street, Building One, Suite 300, Portsmouth, NH 03801 (*If different*)

Type of Business: Hotel/Restaurant (*Restaurant, Bar, Nightclub, etc.*) Location to be used: any and all space located at 50 West Street (*Where on the premises will the amusement take place? Use back of page if necessary.*)

Phone: 207-2880825

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes ____ No X
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ____ No X
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- ☐ Class 1 – Single musician
- ☐ Class 2 – Two musicians
- ☐ Class 3 – Three or more musicians

With Mechanical Amplification

- ☐ Class 1a – Single musician
- ☐ Class 2a – Two musicians
- ☐ Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- ☐ Class 1ad – Single musician
- ☐ Class 2ad – Two musicians
- ☑ Class 3ad – Three or more musicians

*Dancing also requires a state permit & Fire Marshall inspection

Other Entertainment or Amusement

- ☐ Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Applicant's Signature

The Municipal Officers of Bar Harbor hereby ☐ approve ☐ deny this application on ____ (*Date*)

Sharon M Linscott, Town Clerk

Revised 07/08/2019

VI A4

Town of Bar Harbor
Application for Special Amusement Permit

Permit Fee $129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 05/04/20 Application Type: New ____ Renewal X Permit Number: _____ (assigned by Town)

Applicant Name: Amanda Gallant Business Name: The Dog and Pony Tavern

Business Address: 4 Rodick Place (Physical Address in Bar Harbor) Mailing Address: same (If different)

Type of Business: restaurant / bar (Restaurant, Bar, Nightclub, etc.) Location to be used: receiver for speakers inside building and gazebo (Where on the premises will the amusement take place? Use back of page if necessary.)

Phone: 207-288-0900

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes ____ No X
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes ____ No X
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- ☐ Class 1 – Single musician
- ☐ Class 2 – Two musicians
- ☐ Class 3 – Three or more musicians

With Mechanical Amplification

- ☐ Class 1a – Single musician
- ☐ Class 2a – Two musicians
- ☐ Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- ☐ Class 1ad – Single musician
- ☐ Class 2ad – Two musicians
- ☐ Class 3ad – Three or more musicians

*Dancing also requires a state permit & Fire Marshall inspection

Other Entertainment or Amusement

- ☒ Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Amanda Gallant
Applicant's Signature

The Municipal Officers of Bar Harbor hereby ☐ approve ☐ deny this application on _____
Date

Sharon M Linscott, Town Clerk

Revised 07/08/2019

VI B

Ethics Ordinance Amendment

Town of Bar Harbor
#2020-03

An amendment to clarify conflict of interest.

The Town of Bar Harbor hereby ordains that Chapter 78 Ethics of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

CHAPTER 78 – ETHICS

***

Article II: Code of Ethics

***

§78-12 Conflicts of Interest.

***

C. Determination of conflict. Once the issue of conflict has been raised relative to an individual member and disclosure has been made as provided above, such individual's fellow members shall review the facts as disclosed to them and shall vote on whether or not such individual has a financial or special interest, or the appearance of a conflict of interest, with respect to the agenda item concerned. All conflict of interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each member present, except the individual member who is alleged to have a conflict of interest, shall vote on all conflict of interest questions.

(1) All votes of conflict of interest questions shall be recorded. A majority of those present and voting shall determine the question.

(2) Upon determination that a conflict of interest ~~in fact~~ exists, the member concerned shall be excused from participating as a member in discussion, deliberation or vote on the relevant agenda item at that meeting and at all future meetings, unless the conflict is resolved~~, and shall remove themselves from the meeting room as provided below~~.

(3) In the event that a majority of the agency, or subcommittee thereof, shall require disclosure of further information not immediately available or shall require confirmation of the information disclosed, consideration of the relevant agenda item shall be postponed to an appropriate time.

(4) As provided by the Maine Freedom of Access Act, an agency may enter executive session to discuss a potential conflict of interest, but only upon a motion "to go into executive session as permitted by 1 M.R.S.A. § 405.6.A for discussion or consideration of a potential conflict of interest, since open discussion could reasonably be expected to case damage to the reputation of the individual or infringe on the individual's right to privacy."

D. Influence prohibited. Once a member is determined to have a conflict of interest in respect to any agenda item and once all conflict of interest questions relating to the agenda item concerned have been determined as provided above, said individual shall immediately leave his/her seat at the table and shall not vote, participate in the deliberation, or otherwise take part in the decision making process ~~remove themselves from the meeting room and the sight of the remaining members to prevent their real or apparent influence~~. Recused members shall not return to their regular seat ~~nor to the meeting room~~ until deliberation and action on the item is completed.

***

[End of Ordinance]

VI C

Cruise Ship Committee Ordinance Amendment

Town of Bar Harbor
#2020-04

An amendment to change the term for the representative of Acadia National Park.

The Town of Bar Harbor hereby ordains that Chapter 31, Boards, Committees and Commissions, Article VI: Cruise Ship Committee, of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

CHAPTER 31 – BOARDS, COMMITTEES AND COMMISSIONS

***

Article VI: Cruise Ship Committee

***

§31-81 Term of office.

The term of each member shall be three years, except the Town Council liaison and the representative of Acadia National Park, which ~~is a~~are one-year appointments. There are no limits to the number of terms served. All appointments run from August 1 to July 31.

***

[End of Ordinance]

VI D

Age Friendly Committee Ordinance Amendment

Town of Bar Harbor
#2020-05

An amendment to change the mission statement.

The Town of Bar Harbor hereby ordains that Chapter 31, Boards, Committees and Commissions, Article I: Age Friendly Committee, of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

CHAPTER 31 – BOARDS, COMMITTEES AND COMMISSIONS

Article I: Age Friendly Committee

§31-1 Mission.
The Age Friendly Committee ~~is to provide services and advocacy that enable all residents of Bar Harbor to live in their homes for as long as possible as well as provide programs geared to keeping older adults active and engaged in the community~~ strives for a community where all of the residents of Bar Harbor, regardless of age, can live, grow and thrive.

***

[End of Ordinance]

VII C

MEMORANDUM

TO: Town Council Members ✓
CC: Cornell Knight, Town Manager
Michele Gagnon, Planning Director
Matthew Bartlett, Fire Chief
FROM: Angela M Chamberlain, Code Enforcement Officer
DATE: May 7, 2020
SUBJECT: Licensing Ordinances

Attached, for comment and input, are the draft Employee Living Quarters and Shared Accommodations licensing ordinances and related application forms.

As you are aware, the Planning Department has been developing Land Use Ordinance amendments for Employee Living Quarters and Shared Accommodations. In anticipation of the possibility of those amendments passing in July 2020, we have developed licensing language and related applications forms.

We recognize the importance of having the licensing language in place and ready for implementation if one, or both, of these amendments pass. This was something that both the Planning Board and the public expressed interest in having prepared before the ordinance amendments would take effect.

In developing these regulations and application forms, staff worked with the Fire Department, the Police Chief and sent the final drafts to the Planning Board for their review.

Note that the licensing ordinances are consistent with, and mentioned in the Employee Living Quarter and Shared Accommodations Final Report dated January 9, 2020. They also meet strategy #9 "Ensure Quality Rental Housing" in the 2019 Housing Policy Framework.

The next step would be the formal adoption process with an effective date contingent on the passage of the ELQ and SA ordinances in July. Prior to that formal process, I would like to request an opportunity to present these for Council comments and feedback at your next meeting, with the possibility that you may call for a public hearing on these ordinances.

CHAPTER 76. Employee Living Quarters Licensing Ordinance

§ 76-1 Title and Purpose

A. Title. This chapter shall be known and may be cited as the "Employee Living Quarters Licensing Ordinance of the Town of Bar Harbor."

B. Purpose. The purpose of this ordinance is to ensure that Employee Living Quarters do not become dilapidated, a fire hazard, overcrowded with occupants, unsanitary, vermin infested, or a detriment to the health, safety, and welfare or repose of the people of Bar Harbor.

§ 76-2 Definitions

Employee Dining Room
A space, for employees only, managed by the employer, the employers parent company, or a subsidiary company, where the employee may consume food or beverages provided or purchased on site.

Habitable Floor Area
The total area of a room as measured from interior wall to interior wall. Bathrooms, closets, halls, storage or utility space, and similar areas, are not considered habitable floor area.

Licensee
Any person, individual, partnership, firm, association, corporation or other legal entity acting as an agent or employee of any holder of an Employee Living Quarters license.

Management Personnel
A person or individual with authority to make decisions related to the operations and control of the Employee Living Quarters and responsible to ensure compliance with the terms of the license, and who is available in accordance with §76-6H.

Shift Meal
A meal provided to an employee by their employer for consumption on-site or off-site.

Violation, First
A first violation is deemed to have occurred if the Code Enforcement Officer concludes that there are reasonable grounds to believe that a violation of this chapter has occurred and within the immediately preceding 12 months a licensee has received no written warnings for a violation of this chapter.

Violation, Second
A second violation is deemed to have occurred if the Code Enforcement Officer concludes that there are reasonable grounds to believe that another violation of this chapter has occurred, less than 12 months have elapsed since the first violation, and the licensee has received written warnings of a first violation of this chapter.

Violation, Third
A third violation is deemed to have occurred if the Code Enforcement Officer concludes that there are reasonable grounds to believe that another violation of this chapter has occurred, less than 12 months have elapsed since the first violation, and the licensee has received written warnings of a second violation of this chapter.

§ 76-3 License Required

No person shall rent, lease, operate or otherwise allow, under their ownership or control, any Employee Living Quarters without first obtaining a license from the Town Council.

§76-4 Application for license; procedure

A. Applications for all Employee Living Quarters shall be made in writing to the Town Clerk on forms provided by the Clerk for that purpose and shall contain the following information:

(1) The full name, address, telephone number, and email address of the person in whose name such license is to be issued.

(2) The full name, address, telephone number, email address of the owner of the property. If the owner of the property is a business entity, the applicant shall provide the name, address, telephone number, and email address of the person who is the owner, director, or manager of the business entity.

(3) If an applicant is not the owner of the property for which the license has been applied, the applicant must provide a written letter of authorization allowing them to act on behalf of the property owner.

(4) Each application shall be accompanied by a full set of to-scale floor plans, clearly labeled with the intended use of each room in the building, including any spaces to be used as storage.

(5) The application shall include the names and contact information of two separate management personnel who are available 24 hours a day and are normally available to be on site within 30 minutes of contact.

(6) The applicant shall provide written documentation that demonstrates compliance with all requirements of §76-6.

(7) The application must bear the signatures of the Fire Chief and Code Enforcement Officer indicating that the Employee Living Quarters have satisfactorily passed the annual life-safety inspection.

B. Within 30 days of the Town Clerk's receipt of a complete application for an Employee Living Quarters license, the Town Council shall hold a public hearing, at which time the testimony of the applicant and any interested member of the public shall be taken. At least 14 days prior to the public hearing, notice of the hearing shall be mailed by first-class mail to all owners of property within 300 feet of the outer boundary of the property in question. Notice shall be deemed received if mailed to an owner's last known address according to the Town tax records. Failure of any property owner to be sent or actually receive notice shall not necessitate another hearing or invalidate any actions of the Town Council taken in good faith.

C. The Town Council, after hearing and upon such terms and conditions as it reasonably deems necessary to protect the public interest and to fulfill the purposes of this chapter, shall grant or renew a license unless it finds that issuance of the license will be detrimental to the public health, safety or welfare or would violate municipal ordinances or rules and regulations, articles or bylaws.

D. The Town Council may revoke or refuse to issue an Employee Living Quarters license if the premises or building to be used for the purposes do not fully comply with all ordinances, articles, rules and regulations of the Town of Bar Harbor.

E. A license shall be valid for one year, at which time the applicant shall reapply for a renewal license. A renewal license application shall not be considered by the Town Council unless the Fire Chief and Code Enforcement Officer have indicated in writing that the Employee Living Quarters has satisfactorily passed the annual life-safety inspection, occurring no more than 60 days prior to consideration of the application.

F. A renewal license shall not be considered by the Town Council until the Police Chief or their designee has provided a written report describing any violations of Chapter 64 "Disorderly Houses". The Town Council may consider any prior violations of Chapter 64 as a finding for denial of a renewal license application.

§76-5 Fees

License fees. Each application for an Employee Living Quarters license shall be accompanied by the administrative fee and public notice fee, which fee shall, from time to time, be set by the Town Council.

§76-6 General Requirements

A. Space requirements. Each bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be less than 7 feet in any horizontal direction.

B. Linens. All linens, including bed sheets, pillowcases, blankets, and pillows shall be provided to each occupant by the property owner or management personnel.

C. Bathing facilities. There shall be a minimum of one toilet for every 5 occupants, and one shower for every 5 occupants.

D. Cooking facilities. A minimum of one on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided for the first 8 occupants. For every additional 12 occupants thereafter, another on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided. If the employees have access to an employee dining room (EDR) or are provided at least one shift meal, a single community kitchen shall be provided for every 45 occupants.

E. Outdoor storage. The keeping of any goods, junk or material of any kind with the exception of functioning bicycles, in the same place for more than 24 hours shall be screened from public view and neighbors by a fence, wall, roof, and/or landscaping.

F. Clothes washer. On-site access to a minimum of one clothes washer and dryer must be provided.

G. Pest Control. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents, or traces of, are found shall be promptly exterminated by approved processes that will not be injurious to human health.

H. Management. If management is located off-site, they must be available to be present on-site within 30 minutes of being contacted.

I. Trash and recycling removal. Outdoor trash and recycling must be contained in a covered receptacle and must be removed on a weekly basis.

J. Property Maintenance. The lot where the Employee Living Quarters is located shall be maintained in compliance with Chapter 109 "Health and Sanitation" of the Bar Harbor Town Code, as enforced by the Bar Harbor Health Officer.

K. Emergency key Box. An emergency key box shall be provided via a Knoxbox located on the site in a location approved by the Fire Chief or his designee.

L. Tenants. A list of the names of all tenants occupying the Employee Living Quarters shall be visibly posted in a conspicuous location inside the building.

M. Interior Signage. Directional signage shall be placed within the building to direct emergency personnel to bedrooms, mechanical areas, and storage spaces; and all interior doors shall be labeled to indicate the use of the space. The Fire Chief, or his designee, shall approve the location of the signage.

§76-7 Inspections

Prior to the issuance of a license for Employee Living Quarters, the building must satisfactorily pass an annual life safety inspection conducted by the Fire Department and Code Enforcement Officer. The life safety inspection shall be conducted in accordance with the standards and requirements of the life safety code as adopted by the Town in Chapter 85 of the Bar Harbor Town Code.

§76-8 Enforcement; violations and penalties

A. Enforcement authority. The provisions of this chapter shall be enforced by the Code Enforcement Officer of the Town of Bar Harbor.

B. Violations. Each violation of this chapter following a written warning issued by the Code Enforcement Officer shall constitute a separate violation.

(1) Warning for first violation. Should the Code Enforcement Officer conclude that a first violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises.

(2) Warning for second violation. Should the Code Enforcement Officer conclude that a first violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises.

(3) Action for a third violation. Should the Code Enforcement Officer conclude that a third violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises. The Code Enforcement Officer shall provide a copy of all pertinent documentation to the Town Clerk, who shall place the matter on the next available Town Council agenda for action under §76.8 B.(3)(a).

(a) Town Council action.

[1] Upon being informed of a third and subsequent violation, the Town Clerk shall provide written notice to the licensee, by certified mail, return receipt requested, and by first-class mail to all owners of land within 300 feet of the licensee's premises, that the Town Council shall conduct a public hearing to consider whether the licensee committed a violation. Neither the failure of any landowner to receive notice or the licensee's refusal to accept certified mail shall necessitate another hearing or invalidate any action taken by the Council at such hearing.

[2] Following a hearing, the Council by a preponderance of the evidence, shall make a determination of whether the licensee committed a violation of this article. If the Council finds that the licensee committed a third violation, the Council shall revoke the licensee's license for an Employee Living Quarters.

§76-9 Appeals

Any applicant who has applied for a license and has been denied or a licensee whose permit has been revoked may, within 30 days of the denial or revocation, appeal the decision to XXXX.

Employee Living Quarters
License Application Chapter 76

Property Information

Property Address: _____

Map and Lot: _____

Applicant Information

Full Name: _____

Last *First* *Middle Initial*

Mailing Address: _____

Street Address

_____

City *State* *Zip Code*

Phone Number: _____ Email: _____

Are you the owner of the property for which the license is being applied? ☐ Yes ☐ No

If not, you must provide a written letter of authorization allowing you to act on behalf of the owner of the property and fill out this section.

Owner Information

Full Name: _____

Last *First* *Middle Initial*

Mailing Address: _____

Street Address

_____

City *State* *Zip Code*

Phone Number: _____ Email: _____

Management Personnel

List two different management personnel who are available 24 hours a day and are normally available to be on-site within 30 minutes of contact.

1. Name: _____ Phone Number: _____
2. Name: _____ Phone Number: _____

General Requirements

Total Number of bedrooms: _____ Total Number of clothes washers: _____

Maximum Number of occupants: _____

Total Number of toilets: _____ Total Number of showers: _____

REQUIRED SUBMISSIONS

☐ ATTACH WRITTEN LETTER OF AUTHORIZATION ALLOWING YOU TO ACT ON BEHALF OF THE OWNER OF THE PROPERTY

☐ ATTACH A FULL SET OF TO-SCALE FLOOR PLANS, CLEARLY LABELED WITH THE INTENDED USE OF EACH ROOM IN THE BUILDING, INCLUDING ANY SPACES TO BE USED AS STORAGE.

☐ COMPLETE AND ATTACH APPENDIX A – THE WRITTEN NARRATIVE.

Disclaimer and Signature

I, the undersigned certify that:

____ I have read and understand Chapter 76 "Employee Living Quarters Licensing Ordinance"

____ I have read and understand Chapter 64 "Disorderly Houses"

By signing this application, I certify that I agree to comply with the rules and regulations contained in Chapter 76 of the Bar Harbor Town Code and all applicable standards of the Bar Harbor Town Code. I certify that my answers are true and complete to the best of my knowledge.

Signature: _____ Date: _____

Printed Name: _____

Life Safety Inspection

Date the Employee Living Quarters structure successfully passed the required inspection._____

_____

Signature of the Fire Chief Date

_____

Signature of the Code Enforcement Officer Date

STAFF USE

Date application received _____ Date license fee paid _____

Date abutters notices mailed _____ Date of Town Council public hearing _____

Action taken by the Town Council **APPROVE/DENY** Date _____

APPENDIX A – WRITTEN NARRATIVE

Please explain how the Employee Livings Quarters will comply with the following general requirements as outlined in Chapter 76.

***76-6 A**. Space requirements. Each bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be less than 7 feet in any horizontal direction.*

***76.6 B**. Linens. All linens, including bed sheets, pillowcases, blankets, and pillows, shall be provided to each occupant by the property owner or management personnel.*

***76.6 C**. Bathing facilities. There shall be a minimum of one toilet for every 5 occupants, and one shower for every 5 occupants.*

***76.6 D**.* Cooking facilities. A minimum of one on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided for the first 8 occupants. For every additional 12 occupants thereafter, another on-site community kitchen with facilities for cooking, refrigeration, and washing shall be

provided. If the employees have access to an employee dining room (EDR) or are provided at least one shift meal, a single community kitchen shall be provided for every 45 occupants.

76.6 E. *Outdoor storage. The keeping of goods, junk or material of any kind with the exception of functioning bicycles, in the same place for more than 24 hours shall be screened from public view and neighbors by a fence, wall, roof, and/or landscaping.*

76.6 F. *Clothes washer. On-site access to a minimum of one clothes washer and dryer must be provided.*

76.6 G. *Pest Control. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents, or traces of, are found shall be promptly exterminated by approved processes that will not be injurious to human health.*

APPENDIX A – WRITTEN NARRATIVE

***76.6 H**. Management. If management is located off-site, they must be available to be present on-site within 30 minutes of being contacted.*

***76.6 I.** Trash and recycling removal. Outdoor trash and recycling must be contained in a covered receptacle and must be removed on a weekly basis.*

***76.6 J.** Property maintenance. The lot where the Employee Living Quarters is located shall be maintained in compliance with Chapter 109 "Health and Sanitation" of the Bar Harbor Town Code, as enforced by the Bar Harbor Health Officer.*

***76.6 K.** Emergency key box. An emergency key box shall be provided via a Knoxbox located on the site in a location approved by the Fire Chief or his designee.*

APPENDIX A – WRITTEN NARRATIVE

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_____

76.6 L. *Tenants. A list of the names of all tenants occupying the Employee Living Quarters shall be visibly posted in a conspicuous location inside the building.*

_____

_____

_____

_____

_____

76.6 M. *Interior signage. Directional signage shall be placed within the building to direct emergency personnel to bedrooms, mechanical areas, and storage spaces; and all interior doors shall be labeled to indicate the use of the space. The Fire Chief, or his designee, shall approve the location of the signage.*

_____

_____

_____

_____

_____

By signing this application, I certify that I agree to comply with the rules and regulations contained in Chapter 76 of the Bar Harbor Town Code and all applicable standards of the Bar Harbor Town Code. I certify that my answers are true and complete to the best of my knowledge.

Signature: _____ Date: _____

Printed Name: _____

CHAPTER 168. Shared Accommodations Licensing Ordinance

§ 168-1 Title and Purpose

A. Title. This chapter shall be known and may be cited as the "Shared Accommodations Licensing Ordinance of the Town of Bar Harbor."

B. Purpose. The purpose of this ordinance is to ensure that Shared Accommodations do not become dilapidated, a fire hazard, overcrowded with occupants, unsanitary, vermin infested, or a detriment to the health, safety, and welfare or repose of the people of Bar Harbor.

§ 168-2 Definitions

Habitable Floor Area
The total area of a room as measured from interior wall to interior wall. Bathrooms, closets, halls, storage or utility space, and similar areas, are not considered habitable floor area.

Licensee
Any person, individual, partnership, firm, association, corporation or other legal entity acting as an agent or employee of any holder of an Employee Living Quarters license.

Management Personnel
A person or individual with authority to make decisions related to the operations and control of the Shared Accommodations and responsible to ensure compliance with the terms of the license, and who is available in accordance with §168-6H.

Violation, First
A first violation is deemed to have occurred if the Code Enforcement Officer concludes that there are reasonable grounds to believe that a violation of this chapter has occurred and within the immediately preceding 12 months a licensee has received no written warnings for a violation of this chapter.

Violation, Second
A second violation is deemed to have occurred if the Code Enforcement Officer concludes that there are reasonable grounds to believe that another violation of this chapter has occurred, less than 12 months have elapsed since the first violation, and the licensee has received written warnings of a first violation of this chapter.

Violation, Third
A third violation is deemed to have occurred if the Code Enforcement Officer concludes that there are reasonable grounds to believe that another violation of this chapter has occurred, less than 12 months have elapsed since the first violation, and the licensee has received written warnings of a second violation of this chapter.

§ 168-3 License Required

No person shall rent, lease, operate or otherwise allow, under their ownership or control, any Shared Accommodations without first obtaining a license from the Town Council.

§168-4 Application for license; procedure

A. Applications for all Shared Accommodations shall be made in writing to the Town Clerk on forms provided by the Clerk for that purpose and shall contain the following information:

(1) The full name, address, telephone number, and email address of the person in whose name such license is to be issued.

(2) The full name, address, telephone number, email address of the owner of the property. If the owner of the property is a business entity, the applicant shall provide the name, address, telephone number, and email address of the person who is the owner, director, or manager of the business entity.

(3) If an applicant is not the owner of the property for which the license has been applied, the applicant must provide a written letter of authorization allowing them to act on behalf of the property owner.

(4) Each application shall be accompanied by a full set of to-scale floor plans, clearly labeled with the intended use of each room in the building, including any spaces to be used as storage.

(5) The application shall include the names and contact information of two separate management personnel who are available 24 hours a day and are normally available to be on site within 30 minutes of contact.

(6) The applicant shall provide written documentation that demonstrates compliance with all requirements of §168-6.

(7) The application must bear the signatures of the Fire Chief and Code Enforcement Officer indicating that the Shared Accommodations have satisfactorily passed the annual life-safety inspection.

B. Within 30 days of the Town Clerk's receipt of a complete application for a Shared Accommodations license, the Town Council shall hold a public hearing, at which time the testimony of the applicant and any interested member of the public shall be taken. At least 14 days prior to the public hearing, notice of the hearing shall be mailed by first-class mail to all owners of property within 300 feet of the outer boundary of the property in question. Notice shall be deemed received if mailed to an owner's last known address according to the Town tax records. Failure of any property owner to be sent or actually receive notice shall not necessitate another hearing or invalidate any actions of the Town Council taken in good faith.

C. The Town Council, after hearing and upon such terms and conditions as it reasonably deems necessary to protect the public interest and to fulfill the purposes of this chapter, shall grant or renew a license unless it finds that issuance of the license will be detrimental to the public health, safety or welfare or would violate municipal ordinances or rules and regulations, articles or bylaws.

D. The Town Council may revoke or refuse to issue a Shared Accommodations license if the premises or building to be used for the purposes do not fully comply with all ordinances, articles, rules and regulations of the Town of Bar Harbor.

E. A license shall be valid for one year, at which time the applicant shall reapply for a renewal license. A renewal license application shall not be considered by the Town Council unless the Fire Chief and Code Enforcement Officer have indicated in writing that the Shared Accommodation has satisfactorily passed the annual life-safety inspection, occurring no more than 60 days prior to consideration of the application.

F. A renewal license shall not be considered by the Town Council until the Police Chief or their designee has provided a written report describing any violations of Chapter 64 "Disorderly Houses". The Town Council may consider any prior violations of Chapter 64 as a finding for denial of a renewal license application.

§168-5 Fees

License fees. Each application for a Shared Accommodations license shall be accompanied by the administrative fee and public notice fee, which fee shall, from time to time, be set by the Town Council.

§168-6 General Requirements

A. Space requirements. Each bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be less than 7 feet in any horizontal direction.

B. Linens. All linens, including bed sheets, pillowcases, blankets, and pillows shall be provided to each occupant by the property owner or management personnel.

C. Bathing facilities. There shall be a minimum of one toilet for every 5 occupants, and one shower for every 5 occupants.

D. Cooking facilities. A minimum of one on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided for the first 8 occupants. For every additional 12 occupants thereafter, another on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided. If the employees have access to an employee dining room (EDR) or are provided at least one shift meal, a single community kitchen shall be provided for every 45 occupants.

E. Outdoor storage. The keeping of any goods, junk or material of any kind with the exception of functioning bicycles, in the same place for more than 24 hours shall be screened from public view and neighbors by a fence, wall, roof, and/or landscaping.

F. Clothes washer. On-site access to a minimum of one clothes washer and dryer must be provided.

G. Pest Control. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents, or traces of, are found shall be promptly exterminated by approved processes that will not be injurious to human health.

H. Management. If management is located off-site for a SA-1, they must be available to be present on-site within 30 minutes of being contacted. Management for SA-2 and SA-3 must be on-site between the hours of 9:00 PM and 3:00 AM; and between 3:00 AM and 9:00 PM, the management must be available to present on-site within 30 minutes of being contacted.

I. Trash any recycling removal. Outdoor trash and recycling must be contained in a covered receptacle and must be removed on a weekly basis.

J. Property Maintenance. The lot where the Shared Accommodations is located shall be maintained in compliance with Chapter 109 "Health and Sanitation" of the Bar Harbor Town Code, as enforced by the Bar Harbor Health Officer.

K. Emergency key Box. An emergency key box shall be provided via a Knoxbox located on the site in a location approved by the Fire Chief or his designee.

L. Tenants. A list of the names of all tenants occupying the Shared Accommodations shall be visibly posted in a conspicuous location inside the building.

M. Interior Signage. Directional signage shall be placed within the building to direct emergency personnel to bedrooms, mechanical areas, and storage spaces; and all interior doors shall be labeled to indicate the use of the space. The Fire Chief, or his designee, shall approve the location of the signage.

§168-7 Inspections

Prior to the issuance of a license for a Shared Accommodations, the building must satisfactorily pass an annual life safety inspection conducted by the Fire Department and Code Enforcement Officer. The life safety inspection shall be conducted in accordance with the standards and requirements of the life safety code as adopted by the Town in Chapter 85 of the Bar Harbor Town Code.

§168-8 Enforcement; violations and penalties

A. Enforcement authority. The provisions of this chapter shall be enforced by the Code Enforcement Officer of the Town of Bar Harbor.

B. Violations. Each violation of this chapter following a written warning issued by the Code Enforcement Officer shall constitute a separate violation.

(1) Warning for first violation. Should the Code Enforcement Officer conclude that a first violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises.

(2) Warning for second violation. Should the Code Enforcement Officer conclude that a first violation of this chapter has occurred or is occurring; the Code Enforcement

Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises.

(3) Action for a third violation. Should the Code Enforcement Officer conclude that a third violation of this chapter has occurred or is occurring; the Code Enforcement Officer shall immediately issue a written warning to the licensee or the licensee's manager on the premises. Within not more than five business days of this warning, the Code Enforcement Officer shall send to the owner of the premises, by first-class mail, a written notice of this warning advising that the Code Enforcement Officer has substantiated a violation on the licensed premises. The Code Enforcement Officer shall provide a copy of all pertinent documentation to the Town Clerk, who shall place the matter on the next available Town Council agenda for action under §168.8 B.(3)(a).

(a) Town Council action.

[1] Upon being informed of a third and subsequent violation, the Town Clerk shall provide written notice to the licensee, by certified mail, return receipt requested, and by first-class mail to all owners of land within 300 feet of the licensee's premises, that the Town Council shall conduct a public hearing to consider whether the licensee committed a violation. Neither the failure of any landowner to receive notice or the licensee's refusal to accept certified mail shall necessitate another hearing or invalidate any action taken by the Council at such hearing.

[2] Following a hearing, the Council by a preponderance of the evidence, shall make a determination of whether the licensee committed a violation of this article. If the Council finds that the licensee committed a third violation, the Council shall revoke the licensee's license for a Shared Accommodations.

§168-9 Appeals

Any applicant who has applied for a license and has been denied or a licensee whose permit has been revoked may, within 30 days of the denial or revocation, appeal the decision to XXXX.

Shared Accommodations
License Application Chapter 168

Property Information

Property Address: _____

Map and Lot: _____

Applicant Information

Full Name: _____

Last *First* *Middle Initial*

Mailing Address: _____

Street Address

_____

City *State* *Zip Code*

Phone Number: _____ Email: _____

Are you the owner of the property for which the license is being applied? ☐ Yes ☐ No

If not, you must provide a written letter of authorization allowing you to act on behalf of the owner of the property and fill out this section.

Owner Information

Full Name: _____

Last *First* *Middle Initial*

Mailing Address: _____

Street Address

_____

City *State* *Zip Code*

Phone Number: _____ Email: _____

Management Personnel

List two different management personnel who are available 24 hours a day and are normally available to be on-site within 30 minutes of contact.

1. Name: _____ Phone Number: _____
2. Name: _____ Phone Number: _____

General Requirements

Total Number of bedrooms: _____ Total Number of clothes washers: _____

Maximum Number of occupants: _____

Total Number of toilets: _____ Total Number of showers: _____

REQUIRED SUBMISSIONS

☐ **ATTACH WRITTEN LETTER OF AUTHORIZATION ALLOWING YOU TO ACT ON BEHALF OF THE OWNER OF THE PROPERTY**

☐ **ATTACH A FULL SET OF TO-SCALE FLOOR PLANS, CLEARLY LABELED WITH THE INTENDED USE OF EACH ROOM IN THE BUILDING, INCLUDING ANY SPACES TO BE USED AS STORAGE.**

☐ **COMPLETE AND ATTACH APPENDIX A – THE WRITTEN NARRATIVE**

Disclaimer and Signature

I, the undersigned certify that:

____ I have read and understand Chapter 168 "Shared Accommodations Licensing Ordinance"

____ I have read and understand Chapter 64 "Disorderly Houses"

By signing this application, I certify that I agree to comply with the rules and regulations contained in Chapter 168 of the Bar Harbor Town Code and all applicable standards of the Bar Harbor Town Code. I certify that my answers are true and complete to the best of my knowledge.

Signature: _____ Date: _____

Printed Name: _____

Life Safety Inspection

Date the Shared Accommodations structure successfully passed the required inspection. _____

_____

Signature of the Fire Chief Date

_____

Signature of the Code Enforcement Officer Date

STAFF USE

Date application received _____ Date license fee paid _____

Date abutters notices mailed _____ Date of Town Council public hearing _____

Action taken by the Town Council **APPROVE/DENY** Date _____

APPENDIX A – WRITTEN NARRATIVE

Please explain how the Shared Accommodations will comply with the following general requirements as outlined in Chapter 168.

***168-6 A**. Space requirements. Each bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be less than 7 feet in any horizontal direction.*

***168.6 B**. Linens. All linens, including bed sheets, pillowcases, blankets, and pillows, shall be provided to each occupant by the property owner or management personnel.*

***168.6 C**. Bathing facilities. There shall be a minimum of one toilet for every 5 occupants, and one shower for every 5 occupants.*

***168.6 D**.* Cooking facilities. A minimum of one on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided for the first 8 occupants. For every additional 12 occupants thereafter, another on-site community kitchen with facilities for cooking, refrigeration, and washing shall be

provided. If the employees have access to an employee dining room (EDR) or are provided at least one shift meal, a single community kitchen shall be provided for every 45 occupants.

168.6 E. *Outdoor storage. The keeping of goods, junk or material of any kind with the exception of functioning bicycles, the in the same place for more than 24 hours shall be screened from public view and neighbors by a fence, wall, roof, and/or landscaping.*

168.6 F. *Clothes washer. On-site access to a minimum of one clothes washer and dryer must be provided.*

168.6 G. *Pest Control. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents, or traces of, are found shall be promptly exterminated by approved processes that will not be injurious to human health.*

APPENDIX A – WRITTEN NARRATIVE

***168.6 H**. Management. If management is located off-site for a SA-1, they must be available to be present on-site within 30 minutes of being contacted. Management for SA-2 and SA-3 must be on-site between the hours of 9:00 PM and 3:00 AM; and between 3:00 AM and 9:00 PM, the management must be available to be present on-site within 30 minutes of being contacted.*

***168.6 I.** Trash and recycling removal. Outdoor trash and recycling must be contained in a covered receptacle and must be removed on a weekly basis.*

***168.6 J.** Property maintenance. The lot where the Shared Accommodations is located shall be maintained in compliance with Chapter 109 "Health and Sanitation" of the Bar Harbor Town Code, as enforced by the Bar Harbor Health Officer.*

APPENDIX A – WRITTEN NARRATIVE

168.6 K. *Emergency key box. An emergency key box shall be provided via a KnoxBox on the site in a location approved by the Fire Chief or his designee.*

_____

_____

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_____

168.6 L. *Tenants. A list of the names of all tenants occupying the Shared Accommodation shall be visibly posted in a conspicuous location just inside the building.*

_____

_____

_____

_____

_____

168.6 M. *Interior signage. Directional signage shall be placed within the building to direct emergency personnel to bedrooms, mechanical areas, and storage spaces; and all interior doors shall be labeled to indicate the use of the space. The Fire Chief, or his designee, shall approve the location of the signage.*

_____

_____

_____

_____

_____

By signing this application, I certify that I agree to comply with the rules and regulations contained in Chapter 168 of the Bar Harbor Town Code and all applicable standards of the Bar Harbor Town Code. I certify that my answers are true and complete to the best of my knowledge.

Signature: _____ Date: _____

Printed Name:_____

VII D

Cornell Knight

From: Matt Bartlett <mbartlett@barharbormail.org>
Sent: Monday, May 11, 2020 3:07 PM
To: Cornell Knight
Cc: Jim Willis (jwillis@barharbormaine.gov)
Subject: Re: Public Safety Concerns

Cornell,

Here are FD/PD's list of concerns for use of public roads.

From: James Willis <jwillis@mdpolice.org>
Sent: Monday, May 11, 2020 2:40 PM
To: Matt Bartlett (mbartlett@barharbormaine.gov) <mbartlett@barharbormaine.gov>
Subject: Public Safety Concerns

Areas of concerns for using public roads and or parking lots for retail and restaurant dining;

- Comply with relevant Governors Executive Orders; i.e. 50 person group limit. Identify who keeps count. Controlled access to the areas and who polices the areas.
- Identify who is responsible for setting up, cleaning, licensing etc. of the public space
- Ensure pedestrian safety by creating proper isolation / protection between pedestrian and vehicular traffic. Barriers should be adequate to protect cars from entering pedestrian areas either accidentally or intentionally.
- Ensure that emergency services have appropriate access to facilitate, to provide effective and efficient delivery of emergency services (Fire, EMS, Police).
- Comply with National Fire Protection Association Code #1, Chapter 18 Fire Department Access and Water Supply.
- Consult with Fire Chief regarding coordinating fire and ambulance response routes.
- Delivery vehicles and loading zones if streets are to be closed or changed to one way.
- Public alcohol consumption considerations. If this is to be included in the plan, PD Officers will need to be able to easily identify containers sold by authorized establishments when compared to alcohol brought from home or purchased from a store. Coordination with Bureau of Liquor Enforcement is essential.

James Willis
Chief of Police
Mount Desert and Bar Harbor Police Departments
MDPD - 207-276-5111 / BHPD - 207-288-3391

Cornell Knight

From: Nina Barufaldi <barharborjewel@gmail.com>
Sent: Thursday, May 14, 2020 12:57 PM
To: Cornell Knight
Subject: Agenda for Tuesday

Hi, This is Chamber Nina here. I just called but wanted to check in about some potential action items for the TC Agenda on Tuesday. Alf will be prepared to talk about these.

- Cluster Tables in designated parking areas and parks.
    - uniform picnic tables to be paid for by the Chamber
    - will be numbered and remain static for the season
    - approximate number and locations are being determined as we speak. Will have for you by Monday
- Alcohol consumption outside in designated picnic areas
- Temporarily relax business signage restrictions as long as it does not impede foot traffic for 2020
- Allow retail shops to display merchandise in doorways so long as it does not impede foot traffic.

I know some of these things are coming to you from different directions, but I am trying to get them organized in one place so that TC can take action in an organized and timely manner ...to be sure that businesses have the best chance of success.

This is the first bite at the apple :)

I'll call again in a bit. -n

55 WEST

DRAFT

VII E

Permit and Paid Parking Policy

Town of Bar Harbor

Applications for permits will be done entirely online. The town has contracted with IPS Group to manage the process. Permit applications will be obtained, completed and managed through the IPS Group portal. Permit approvals will be done during normal business hours, typically Monday through Friday 8:30 AM to 4:30 PM. Permit approvals will normally not be done on holidays and weekends.

Unless otherwise stated, all permits are good for one season.

I. Permit Types:

A. Resident Vehicle Permit- A person whose vehicle registration is within the Town of Bar Harbor and who pays excise tax to the Town of Bar Harbor shall be eligible to apply for one free seasonal parking permit for each registered vehicle.

Application Requirements:

Fee: $0
Application Materials Required: II. B. 3
Application Approval by Finance Department during normal business hours

B. Employee Vehicle Permit- Any employee residing outside of the Town of Bar Harbor who is an employee of a Bar Harbor business shall be eligible to apply for a seasonal parking permit.

Application Requirements:

Fee: $30.00 plus transaction fees
Application Materials Required: II. B. 2, 4
Application Approval by Finance Department during normal business hours

C. Non Resident Vehicle permit- Non Resident Property Owner Permit: Any person who does not qualify for the Resident Vehicle Permit but who owns residential property and pays property taxes to the Town of Bar Harbor, shall be eligible to apply for a Non Resident Property Owner Permit for each registered vehicle.

Application Requirements:

Fee: $75.00 plus transaction fees
Application Materials Required: II. B. 1, 2
Application Approval by Finance Department during normal business hours

D. Commercial Fishing Permit – Commercial Fishing Permit: Any person who fishes commercially shall be eligible to apply for a Commercial Fishing Permit; limited to one parking space per commercial mooring. Issuance of this permit is limited to 30 per year.

Application Requirements:

Fee: $5.00 plus transaction fee
Application Materials Required: II. B. 1, 2, 6
Application Approval by the Harbormaster during normal business hours

E. Municipal Employee Permit: Any Municipal employee shall be eligible to apply for a Municipal Parking Permit for parking in the Municipal Building Kiosk Lot.

Application Requirements:

Fee: $0
Application Materials Required: II. B. 2, 4
Application Approval by Finance Department during normal business hours

F. Bed & Breakfast Permit- Any Bed & Breakfast owner who requires on street parking for guests only in the "Permit Parking Only" designated areas shall be eligible to apply for a Bed & Breakfast Permit.

Application Requirements:

Fee: ~~$750~~375.00 per permit plus transaction fees
Application Materials Required: II. B. 1, 5a, 5b
Application Approval by Parking Enforcement Personnel during normal business hours

G. Guest of Resident Permit- Guest of Resident Permit: Any guest of a resident who requires a permit for on street parking shall be eligible to receive a Guest of Resident Permit for parking in "Permit Only Parking" for a period of three days in duration.

Application Requirements:

Fee: $0 plus transaction fees
Application Materials Required: II. B. 8
Application Approval by Parking Enforcement Personnel or Finance Department during normal business hours

H. Resident Recreational Boater Permit- Resident Recreational Boater Permit: Any resident recreational boat owner shall be eligible to apply for a Resident Recreational Boater Permit for parking in the boat trailer parking spaces in the Newport Drive Parking Lot. This permit has a one-day duration.

Application Requirements:

Fee: $24.00 plus transaction fees
Application Materials Required: II. B. 1, 2, 6
Application Approval by the Harbormaster or Parking Enforcement Personnel during normal business hours

I. Contractor/Dumpster Use of Space Permit – Contractor/Dumpster Use of Space Permit: Any contractor shall be eligible to apply for a Contractor/Dumpster Use of Space Permit where there is a verifiable lack of private property area to complete a physical improvement to the property under an approved Building Permit. This permit is limited to 5 days in duration.

Application Requirements:

Fee: $24.00 per metered space/day
Application Materials Required: II. B. 5a
Application Approval by Parking Enforcement Personnel during normal business hours

J. Special Events Permit- Any person shall be eligible to apply for a Special Events Permit for any event requiring the blocking off of one or more paid parking spaces. This permit has a one-day duration only.

Application Requirements:

Fee: $24.00 per metered space blocked
Application Materials Required: II. B. 5a
Application Approval by Parking Enforcement Personnel during normal business hours

K. Hospital Permit: Up to 75 permit spaces shall be issued for hospital employees to park only in the hospital zone (Hancock, Wayman and Center Streets). Parking spaces are not guaranteed.

Application Requirements:

Fee: $0 plus transaction fees in the amount of $2,250.00 annually
Application Materials Required: II. B. 2
Application Approval by Finance Department during normal business hours

L. College of the Atlantic Student Permit: Any College of the Atlantic student shall be eligible to apply for a student parking permit to park in "Permit Parking Only" areas.

Application Requirements:

Fee: $30.00 plus transaction fees
Application Materials Required: II. B. 2, 7
Application Approval by Finance Department during normal business hours

M. Home Business/Weekly Rental Permit: Any business owner/weekly rental business owner shall be eligible to apply for a Home business/Weekly Rental Permit for on street parking for guests in the "Permit Parking Only" areas.

Application Requirements:
Fee: $750.00 per permit plus transaction fees
Application Materials Required: II. B. 1, 5a, 5b
Application Approval by Parking Enforcement Personnel

N. Municipal Guest Permit- Municipal Guest Permit: These permits shall be issued through the Finance and Police Departments to accommodate parking for guests attending meetings or conducting Town business with Town staff, as directed by Department Heads or their designee. These permits shall be valid for both kiosk and metered spaces. These permits have a one-day duration only.

Application Requirements:
Fee: Transaction fees paid by the Town
Application Materials Required: II. B. 2
Application Approval by Finance Department

II. Permit Parking Rules

A. From May 15 through October 30 Permit holders may park their permitted vehicle anywhere designated "Permit Parking Only". Availability of parking within any designated area is not guaranteed. Permit holders must follow the appropriate payment and parking rules if parking within a metered or kiosk area. A parking ticket will be issued if the vehicle is parked outside of a designated permit area or in non-compliance with parking regulations of the Town of Bar Harbor. Parking regulations are enforced during the established Bar Harbor Parking Program schedule. Unless otherwise stated, Permits will be valid from the date of issuance through October 30 of each year. Violation of these guidelines may result in a parking ticket and or revocation of permit.

1. Parking Permits are not required on the 4th of July holiday.
2. Parking enforcement on Sundays shall be from 12pm to 6pm.
3. On MDI Marathon Race Day parking on Lower Ledgelawn (Park Street south), Park Street, Glen Mary Road and Shannon Road will be allowed without a permit.

B. Information that may be needed to apply for permits depending upon type in Section I.

1. Proof of property ownership within the Town, such as a tax bill or utility bill.
2. Proof of current excise tax and registration.
3. Proof of current excise tax and registration in the Town of Bar Harbor.

4. Pay stub or signed letter from employer.
5. Proof of resident, business, lodging (B&B) ownership:
    a. Parking spaces available on premises.
    b. Number of beds or sleeping accommodations
6. Proof of mooring registration.
7. Valid student id card
8. License Plate Number

C. Permits are not interchangeable between vehicles unless otherwise allowed herein
D. The Town of Bar Harbor reserves the right to deny a permit request and/or revoke parking permits for blatant non-compliance and abuse of the permit rules at any time.
E. There are no full or partial refunds on permit purchases.

III. Location of and Signage for Permit Areas
Permit area signs to read:

Parking by Permit Only
May 15-Oct. 30
9 am – 6 pm.

A. Locations Parking Areas Requiring a Permit

Permit Parking (streets within the area between Cromwell Harbor Road, Kebo Street, Eden Street where parking is not otherwise prohibited)

- Ash Street
- Atlantic Ave
- Billings Ave
- Brewer Ave
- Bridge Street
- Center Street
- Davis Place
- Derby Lane
- Des Isle Avenue
- Edgewood Street
- Federal Street
- First South Street
- Glen Mary Road
- Greeley Ave
- Hancock Street
- High Street
- Kennebec Ave
- Kennebec Place
- Kid's Corner Parking Lot
- Ledgelawn Ave
- Livingston Road
- Maple Ave
- Michigan Ave
- Myrtle Ave
- Newton Way
- Norris Ave
- Oliver Street
- Park Street
- Pleasant Street
- Roberts Ave
- Rodick Street
- School Street
- Shannon Road
- Shannon Way
- Snow Street
- Spring Street
- Stanwood Place
- Waldron Road
- Wayman Lane

*West St (Eden to Holland, south side)

IV. 15 Minute Parking Spaces

A. Signs to read

15 Minute Parking Only
9 am – 8 pm

B. Locations of areas for 15-minute parking spaces

- Cottage Street
  1. Four spaces north side directly in front of the Post Office
  2. Two spaces north side between Ash Place and Holland Avenue
- Mount Desert Street
  1. ~~One~~Two spaces north side across from the Jesup Library

V. Paid Parking Areas

A. Locations of areas for paid parking (meters and kiosks)

- West Street - from Town Pier to Eden St.(except south side Eden to Holland)
- Cottage Street - from Main St. to Eden St.
- Mt. Desert Street – from Main St, to Ledgelawn Ave.
- Main Street – from West St. to Park St.
- Main Street RV Parking (Ballfield)
- Firefly Lane
- Rodick Place
- Bridge Street Parking Lot (Casino)
- Backyard Parking Lot
- Kid's Corner Parking Lot
- East Municipal Building Parking Lot
- Central Parking Lot (Old PD Lot)
- Grants Park
- Newport Drive Lot
- Town Pier Parking Lot

B. Rates for Paid Parking

1. Paid parking is $2 per hour and is restricted to one four-hour session for each vehicle in the following meter locations:
   a. On Main St. from West St. to Hancock St.
   b. On Cottage St. from Main St. to Rodick St.
   c. On West St. from Main St. to Bridge St.
   d. On Mt. Desert St. from Main St. to Kennebec St.
   e. On Firefly Lane – all spaces
2. The fee of $2 per hour in the following parking lots: Backyard, Central Parking, Grants Park, Newport Drive and Town Pier.
3. The fee is $1.50 per hour for all metered areas not listed in 1 above and all remaining kiosk areas on the streets and parking lots.
4. Parking meters and kiosks shall operate on Sundays from 12 pm to 8 pm.

C. Ferry Terminal Site – ferry passenger vehicle fee is $12.00 per night for overnight parking.
D. No fee parking in designated areas near Municipal Building by Parking Enforcement Personnel on Election Day.
E. No fee parking on July 4th holiday.
F. Extension of time in kiosk areas can be done from any kiosk.
G. Paid parking is enforced June 1st through October 30th between the hours of 9:00 AM and 8:00 PM.

LEGISLATIVE HISTORY
3-19-19 – Introduced to Town Council
4-16-19 – Adopted by Town Council
5-7-19 – Amended by Town Council
5-21-19 – Amended by Town Council
7-1-19 – Amended by Town Council
8-20-19 – Amended by Town Council
9-3-19 – Amended by Town Council
9-17-19 – Amended by Town Council
5-5-20 – Amended by Town Council
5-19-20 – Amended by Town Council

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VII F

NOTICE OF PUBLIC HEARING - JUNE 16, 2020
TOWN OF BAR HARBOR

STATE OF MAINE **County of Hancock, ss**

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the inhabitants of the Town of Bar Harbor that the Bar Harbor Town Council will hold a public hearing in the Council Chambers, third floor, Municipal Building on Tuesday, the sixteenth of June, in the year of our Lord Two Thousand and Twenty at seven o'clock in the afternoon, then and there to hear public comment on the following articles placed on the secret ballot of the Annual Town Meeting to be held on Tuesday, the fourteenth of July 2020:

Article 2 - LAND USE ORDINANCE AMENDMENT – Addressing Officer – Shall an ordinance dated December 16, 2019 and entitled "An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor" be enacted?

Addressing Officer

An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is <u>underlined</u>.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE V Site Plan Review

***

§ 125-66 Submission requirements

***

K. Assessor's certification of street names. Written certification of the ~~Municipal Tax Assessor~~ <u>Addressing Officer (as defined in Chapter 5, §5-5)</u> that the proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

***

§ 125-67 General review standards

***

G. Streets, sidewalks and access.

***

(4) Names.

***

(b) No plan shall be approved unless the Planning Board finds that the ~~Municipal Tax Assessor~~ Addressing Officer (as defined in Chapter 5, §5-5) has issued written certification that proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

***

EXPLANATION:
The replacement of the words "Municipal Tax Assessor" with the words "Addressing Officer" updates the Land Use Ordinance and aligns it with language used in Chapter 5 (Addressing Ordinance) of the town's Municipal Code (which took effect November 14, 2019).

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 18 to 0.

Article 3 - LAND USE ORDINANCE AMENDMENT – Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District – Shall an ordinance dated December 16, 2019 and entitled "An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district" be enacted?

Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District

An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is <u>underlined</u>.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

***

§ 125-17 Bar Harbor Gateway

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); <u>multifamily dwelling I;</u> municipal facility; municipal school; public or private park with minimal structural development; vacation rentals; single-family dwelling and two-family dwelling.

***

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; ~~multifamily dwelling I;~~ multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-18 Village Historic

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: home occupation; public or private park with minimal structural development; multifamily dwelling I; vacation rentals; single-family dwelling, two-family dwelling; noncommercial greenhouse, and government facility/use.

***

D. Uses allowed by site plan.

(1) Except for lots with road frontage on or access to Harbor Lane, and only so long as the use is located in a building constructed before June 8, 2010, the following uses shall be permitted in the district: bed-and-breakfast I; eleemosynary; private club.

(2) In addition to the above-noted uses, the following uses shall be permitted for properties with road frontage or access to the Baymeath Road, Lookout Point Road, and the Syndicate Road only: municipal schools, museums.~~, multifamily I, two-family dwellings.~~

***

§ 125-19 Mount Desert Street Corridor

***

C. Allowed uses.

(1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery, home occupation, museum, multifamily dwelling I, place of worship; public or private park, single- or two-family dwelling; vacation rentals.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.

(1) Principal uses allowed by minor site plan approval: wind turbines, offices, all types of schools, bed-and-breakfast I and II.

(2) Principal uses allowed by major site plan: convalescent home; multifamily dwelling ~~I and~~ II; theaters.

(3) Principal uses allowed by conditional use permit: retail; restaurants; bed-and-breakfast III and IV.

***

§ 125-20 Village Residential

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility with road frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; public or private park; single- and two-family dwelling; multifamily dwelling I; roadside stand; vacation rentals.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal use.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: ~~multifamily I;~~ nursing/convalescent home in a building constructed before June 8, 2010, road construction.

***

§ 125-21 Downtown Village I

***

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; multifamily dwelling I; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling ~~I and~~ II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; parking lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community.

***

§ 125-21.1 Downtown Village II

***

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; home occupation; multifamily dwelling I.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling ~~I and~~ II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic.

***

§ 125-21.2 Downtown Village Transitional

***

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; multifamily dwelling I; artist studio; farmers market; home occupation.

(2) Uses allowed by site plan review: multifamily dwelling ~~I and~~ II; parking lot; all other types of child-care facilities; medical clinics; automobile sales lot; automobile repair garage; retirement community.

***

§ 125-22 Downtown Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Child-care center

Hospital

~~Multifamily dwelling I~~

Parking garage and parking lot

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-24 Hulls Cove Business

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-26 Hulls Cove Residential Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground

Cemetery

~~Multifamily dwelling I~~

Multifamily dwelling II

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

<u>Multifamily dwelling I</u>

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-31 Ireson Hill Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Campground

Mineral extraction

Mineral extraction and processing

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-32 Ireson Hill Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery

Eleemosynary, educational or scientific institution

~~Multifamily dwelling I~~

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-37 Salisbury Cove Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery

Kennel, boarding

~~Multifamily dwelling I~~

Multifamily dwelling II

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-38 Salisbury Cove Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Kennel, boarding

~~Multifamily dwelling I~~

Road construction

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-40 Salisbury Cove Village

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Marina

~~Multifamily dwelling I~~

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-43 Town Hill Business

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot

Automobile service station

Bank

Campground

Commercial boatyard

Eleemosynary, educational or scientific institution

Food processing and freezing (excluding slaughterhouse)

Food processing and freezing

Hospital

Light manufacturing/assembly plant

Mobile home park

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Newspaper or printing facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

***

§ 125-44 Town Hill Residential Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Municipal facility and grounds

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

***

§ 125-45 Town Hill Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial stable

Marina

Mobile home park

~~Multifamily dwelling I~~

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

***

§ 125-47 Shoreland General Development I

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cocktail lounge

Commercial fish pier

Commercial structure

Essential services accessory to a permitted use or structure

Ferry terminal

Gift shops

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal facility and grounds

Recreational boating facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-49 Shoreland General Development II

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

Road construction

~~Single-family dwelling~~

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-49.1 Shoreland General Development III

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio, child care, family, gallery, government facility, home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); multifamily dwelling I; municipal facility, municipal school; public or private park with minimal structural development; all vacation rentals; single-family dwelling and two-family dwelling.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; ~~multifamily dwelling I;~~ multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-49.2 Shoreland General Development IV

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: single-family dwelling, two-family dwelling, multifamily dwelling I, cabins and cottages, all vacation rentals, artist studio, home occupation, government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in

which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan. The following uses shall be permitted by site plan review in any part of this district: motels accessory to cabins and cottages (with such motel providing for no more than 10 sleeping accommodations for transient uses), marina, retail (provided the structure is no greater than 5,000 square feet in floor area), gallery, ~~multifamily dwelling I,~~ museum, recreational boating facility, permanent pier, dock, wharf, breakwater or other use projecting into the water, and road construction.

***

§ 125-49.3 Shoreland Maritime Activities

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure and shall include bank; farmers market; hotel; ~~multifamily dwelling I; multifamily dwelling II;~~ parking deck; parking lot; professional office building; restaurant; retail; take-out restaurant and wireless telecommunications facility.

D. The following uses shall be permitted by site plan review in any part of this district: functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

E. Allowed activities.

(1) Nonintensive recreational uses not requiring structures, such as fishing and hiking.

(2) Emergency operations.

~~F. Other requirements.~~

~~(1) Multifamily I and multifamily II uses are limited to employee housing.~~

***

EXPLANATION:
This amendment will change the permitting authority for all multifamily dwelling I uses from site plan review through the Planning Board process to a permit from the Code Enforcement Officer in all districts where the use is currently allowed. Multifamily dwelling I use is three or four dwelling units on one parcel. Additionally, it will do the following: address an inconsistency in the ordinance by making CEO the permitting authority for two-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by the

CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district.

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 9 to 7 with 2 abstentions.

Article 4 - LAND USE ORDINANCE AMENDMENT – Employee Living Quarters – Shall an ordinance dated December 16, 2019 and entitled "An amendment to create and define a new use titled 'employee living quarters'; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of 'family'; create a new definition titled 'floor area, ground'; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district" be enacted?

Employee Living Quarters

An amendment to create and define a new use titled 'employee living quarters'; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of 'family'; create a new definition titled 'floor area, ground'; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is <u>underlined</u>.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

***

§ 125-17 Bar Harbor Gateway.

***

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; <u>employee living quarters</u>; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate

of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-19 Mount Desert Street Corridor District.

***

D. Uses allowed by site plan.

***

(2) Principal uses allowed by major site plan: convalescent home; employee living quarters; multifamily I and II; theaters.

***

§ 125-20 Village Residential.

***

D. Uses allowed by site plan.

***

(2) Uses allowed by conditional use permit:

(a) F~~f~~or properties with road frontage on or access to Route 3 or 233: all bed-and-breakfast designations; art gallery; cabins; farmers' market; museum; private school; professional office building; take-out restaurant; undertaking establishment; veterinary clinic or hospital.

(b) Employee living quarters.

***

G. Other requirements:

(1) Accessory structures shall be located in the side and rear yard of the property. Employee living quarters are exempt from this requirement.

***

§ 125-21 Downtown Village I.

***

C. Allowed uses:

***

(2) Uses allowed by site plan review: employee living quarters; hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; parking lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community.

***

§ 125-21.1 Downtown Village II.

***

C. Allowed uses.

***

(2) Uses allowed by site plan review: employee living quarters; hotel, motel; multifamily

dwelling I and II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic.

***

§ 125-24 Hulls Cove Business.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Employee living quarters

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Recreational boating facility

Research facility

Research production facility

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

***

§ 125-31 Ireson Hill Corridor.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Campground

Employee living quarters

Mineral extraction

Mineral extraction and processing

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Warehousing or storage facility

Wholesale business establishment

Wireless communications facility

***

§ 125-40 Salisbury Cove Village.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Employee living quarters

Marina

Multifamily dwelling I

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Wireless communications facility

***

§ 125-43 Town Hill Business.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot

Automobile service station

Bank

Campground

Commercial boatyard

Eleemosynary, educational or scientific institution

Employee living quarters

Food processing and freezing (excluding slaughterhouse)

Food processing and freezing

Hospital

Light manufacturing/assembly plant

Mobile home park

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Newspaper or printing facility

Parking garage and parking lot

Research facility

Research production facility

Road construction

Terminal yard and trucking facility

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Upholstery shop

Warehousing or storage facility

Wholesale business establishment

Wireless communications facility

***

§ 125-45 Town Hill Residential.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial stable

Employee living quarters

Marina

Mobile home park

Multifamily dwelling I

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

Wireless communications facility

***

§ 125-47 Shoreland General Development I.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cocktail lounge

Commercial fish pier

Commercial structure

Employee living quarters

Essential services accessory to a permitted use or structure

Ferry terminal

Gift shops

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal facility and grounds

Recreational boating facility

Road construction

Ships chandlery

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

***

§ 125-49 Shoreland General Development II (Hulls Cove).

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Employee living quarters

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling I

Multifamily dwelling II

Road construction

Single-family dwelling

***

§ 125-49.1 Shoreland General Development III.

***

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; employee living quarters; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-49.3 Shoreland Maritime Activities District.

***

C. Allowed uses.

***

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure and shall include bank; farmers market; hotel; ~~multifamily dwelling I; multifamily dwelling II;~~ parking deck; parking lot; professional office building; restaurant; retail; take-out restaurant and wireless telecommunications facility.

D. The following uses shall be permitted by site plan review in any part of this district: employee living quarters; functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

***

~~F. Other requirements.~~

~~(1) Multifamily I and multifamily II uses are limited to employee housing.~~

***

ARTICLE V Site Plan Review

***

§ 125-67 General review standards

***

D. Parking requirements. Any activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking

requirements may be reduced, as determined by the Planning Board, when at least 5% of the required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools or vanpools or any combination thereof, and are marked as such. Parking requirements may also be reduced, as determined by the Planning Board, for properties that are located on a regularly scheduled bus route.

***

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

***

(x) Employee living quarters shall not be required to provide parking.

***

§ 125-69 Standards for particular uses, structures, or activities

***

W. Employee living quarters. All employee living quarters shall meet the following standards:

(1) Design: When employee living quarters are visible from the street or from an abutting property to the side or rear lot lines that is under different ownership or control, the employee living quarters shall be visually compatible with the principal building(s) and shall provide for rooflines that are similar in pitch and materials and building materials that are similar in regard to type and color scheme as the principal building(s).

(2) Setback requirements: Employee living quarters shall meet the same setback requirements as principal structures.

(3) Building footprint area: The total building footprint area of the employee living quarters shall not exceed 25% of the total building footprint area of the principal building(s) on the lot.

(4) Density bonus.

(a) An employee living quarters (including its associated accessways and parking areas) may benefit from increased lot coverage not to exceed:

[1] 63% in the Bar Harbor Gateway district

[2] 44% in the Mount Desert Street Corridor district

[3] 63% with sewers and 31% without sewers in the Village

Residential district

[4] 85% in the Hulls Cove Business district

[5] 31% in the Ireson Hill Corridor district

[6] 44% in the Salisbury Cove Village district

[7] 63% in the Town Hill Business district

[8] 19% in the Town Hill Residential district

(b) All other (non-employee living quarters, including its associated accessways and parking) uses, activities, and structures, on the lot, shall be subject to the lot coverage requirements of the district it is in, as well as all other requirements of this chapter.

(c) If an employee living quarters (including its associated accessways and parking), increases the lot coverage as allowed under section 125-69 W.(4), it may not be enlarged, expanded, or otherwise provide for any other use, unless the lot coverage is brought into compliance with the requirements of the district it is in.

(5) Change of Use. A change of use from employee living quarters to another use shall comply with all requirements of this chapter, including lot coverage requirements.

(6) Parking benefitting from the density bonus (increased lot coverage) shall be for the exclusive use of the occupants of the employee living quarters.

(7) Every bedroom in employee living quarters shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven (7) feet in any horizontal dimension.

***

ARTICLE XII Construction and Definition

***

§ 125-109 Definitions.

The following terms shall have the following meanings:

***

EMPLOYEE LIVING QUARTERS

An accessory structure, attached or detached from the principal structure, consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit, and the principal structure is a commercial use. It shall be used exclusively for the accommodation of employees, for more than 30 days, that are employed on- or off-site, as long as the off-site employees are employed by the same company, a parent company, or a subsidiary company that owns the parcel where the principal structure is located. Employee living quarters serving a hospital shall not be subject to the 30-day minimum requirement. Employee Living Quarters must serve another use on the lot, meaning it cannot be the only use on the lot.

***

FAMILY

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, ~~or~~ transient accommodations, or employee living quarters.

***

FOOTPRINT AREA, BUILDING

The total square footage of a building or buildings if viewed from above, including areas under overhangs.

***

EXPLANATION:
This amendment would create and define a new use titled "employee living quarters"; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of "family"; and create a new definition titled "floor area, ground"; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities District.

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 14 to 2 with 2 abstentions.

Article 5 - LAND USE ORDINANCE AMENDMENT – Shared Accommodations – Shall an ordinance dated December 16, 2019 and entitled "An amendment to create and define a new use titled 'shared accommodations' with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of 'family'" be enacted?

Shared Accommodations

An amendment to create and define a new use titled 'shared accommodations' with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of 'family'

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

***

§ 125-17 Bar Harbor Gateway.

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility; municipal school; public or private park with minimal structural development; shared accommodations (SA-1); vacation rentals; single-family dwelling and two-family dwelling.

***

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; shared accommodations (SA-2 and SA-3); take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-19 Mount Desert Street Corridor District.

***

C. Allowed uses.

(1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery, home occupation, museum, place of worship; public or private park, shared accommodations (SA-1); single- or two-family dwelling; vacation rentals.

***

D. Uses allowed by site plan.

(2) Principal uses allowed by major site plan: convalescent home; multifamily I and II; shared accommodations (SA-2 and SA-3); theaters.

***

§ 125-21 Downtown Village I.

***

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement

Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services~~,~~; shared accommodations (SA-1); professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; parking lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community; shared accommodations (SA-2 and SA-3).

***

§ 125-21.1 Downtown Village II.

***

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services~~,~~; shared accommodations (SA-1); vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; home occupation.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic; shared accommodations (SA-2 and SA-3).

***

§ 125-24 Hulls Cove Business.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Recreational boating facility

Research facility

Research production facility

Road construction

Shared accommodations (SA-2)

Shared accommodations (SA-3)

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Public or private park with minimal structural development

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-31 Ireson Hill Corridor.

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-43 Town Hill Business.

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Veterinary clinic

***

§ 125-44 Town Hill Residential Corridor.

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

ARTICLE V Site Plan Review

***

§ 125-67 General review standards

***

D. Parking requirements. Any activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking requirements may be reduced, as determined by the Planning Board, when at least 5% of the required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools

or vanpools or any combination thereof, and are marked as such. Parking requirements may also be reduced, as determined by the Planning Board, for properties that are located on a regularly scheduled bus route.

***

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

***

(y) Shared accommodations

[1] Shared accommodations (SA-1): Based on maximum occupancy, parking shall be provided at a rate of 0.5 parking space per occupant in the Bar Harbor Gateway, Mount Desert Street Corridor, Hulls Cove Business, Ireson Hill Corridor, Town Hill Business, and the Town Hill Residential Corridor districts. Parking spaces may be allowed in tandem with a maximum of two vehicles in a row. The minimum area per parking space shall be 136 square feet.

[2] Shared accommodations (SA-2 and SA-3): Based on maximum occupancy, parking shall be provided at a rate of 0.2 parking spaces per occupant in the Bar Harbor Gateway and the Hulls Cove Business districts and 0.1 parking spaces per occupant in the Mount Desert Street Corridor District.

***

§ 125-69 Standards for particular uses, structures, or activities

***

X. Shared accommodations. Every bedroom in shared accomodations shall contain not less than 70 square feet of habitable floor area for each occupant, excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven (7) feet in any horizontal dimension.

***

ARTICLE XII Construction and Definition

***

§ 125-109 Definitions.

***

FAMILY

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, ~~or~~ transient accommodations, or shared accommodations.

***

SHARED ACCOMMODATIONS

Any group of three or more rooms, other than lodging or vacation rental, where for direct or indirect compensation the occupants live in furnished rooms with shared kitchens for more than 30 days. The occupants do not constitute a family or a single housekeeping unit. The makeup of the occupants is determined by the landlord, property manager, or other third party and not by the occupants themselves. A shared accommodation serving a hospital shall not be subject to the 30-day minimum requirement. There are three different types of shared accommodations:

A. SA-1: 3 to 8 people per structure

B. SA-2: 9 to 32 people per structure

C. SA-3: 33 or more people per structure

***

ARTICLE XIII Design Review

***

§ 125-112 Applicability of design review.

A. Design Review Overlay Districts.

(1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the "district."

(2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor: the Downtown Village I District; Downtown Village II District; the Shoreland General Development I District; Shoreland General Development II District; the Village Historic District; and the Town Hill Business District. The district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes all bed-and-breakfast uses, all shared accommodations uses, and individual properties with the following uses, regardless of their district location: TA-1, TA-3, TA-4, and TA-6. The district also includes properties listed in Appendix A and/or Appendix B of this chapter.

***

EXPLANATION:
This amendment would create and define a new use titled "shared accommodations" with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of "family".

Recommendations:
The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 10 to 8.

Article 6 - LAND USE ORDINANCE AMENDMENT – Official District Boundary Map Amendment For Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Uses to the Shoreland General Development II District – Shall an ordinance dated December 16, 2019 and entitled "An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as "TA-9") in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district" be enacted?

Official District Boundary Map Amendment for Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Allowed Uses to the Shoreland General Development II District

An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as "TA-9") in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

***

§ 125-49 Shoreland General Development II (Hulls Cove).

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground (Shoreland Districts)

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling I

Multifamily dwelling II

Road construction

Single-family dwelling

TA-9

***

ARTICLE V Site Plan Review

***

§ 125-67 General Review Standards

***

D. Parking requirements. Any activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking requirements may be reduced, as determined by the Planning Board, when at least 5% of the required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools or vanpools or any combination thereof, and are marked as such. Parking requirements may also be reduced, as determined by the Planning Board, for properties that are located on a regularly scheduled bus route.

***

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

***

(b) Transient accommodations:

[2] Hotels, motels, TA-9 and conference centers: one parking space for each guest room.

***

ARTICLE XII Construction and Definitions

***

§ 125-109 Definitions.

The following terms shall have the following meanings:

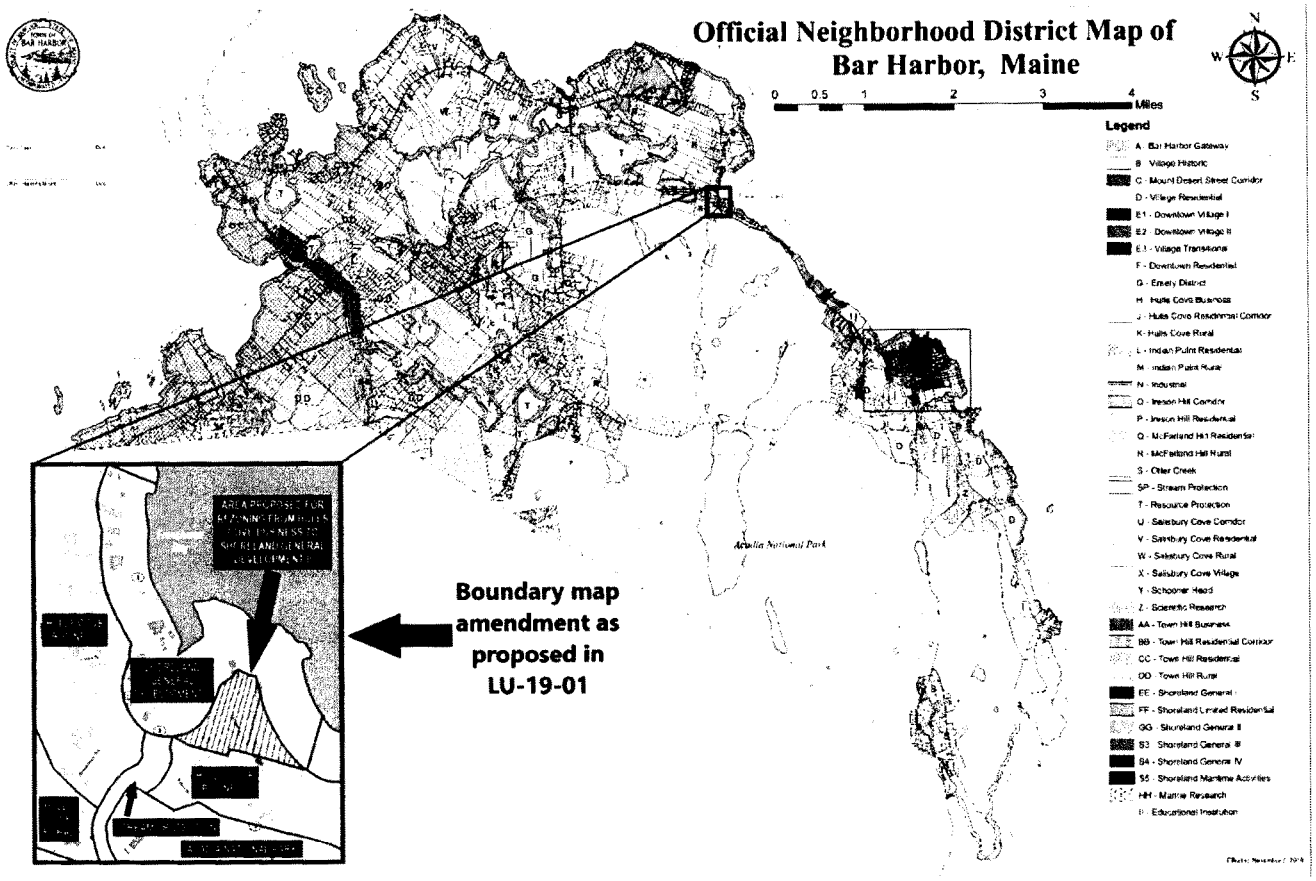
***

TRANSIENT ACCOMMODATIONS

***

I. **TA-9** A building or buildings where for compensation lodging and meals are provided (four to 75 rooms). Accessory uses subject to site plan review include restaurant, conference room, retail establishment, recreational facilities, such as swimming pool, game courts, and recreational rooms or similar uses.

***



EXPLANATION:

This amendment would amend the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, would create and define a new level of transient accommodation use (proposed as

"TA-9") in §125-109 and establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, would amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district.

Recommendations:
The five-member Planning Board recommends adoption by a vote of 3 to 1.
The 22-member Warrant Committee recommends rejection by a vote of 13 to 3 with 1 recusal.

Article 7 - CITIZENS' INITIATIVE: Changes to the Definition of Vacation Rentals in the Land Use Ordinance – Shall the above-described ordinance be adopted?

To See if the Voters of the Town of Bar Harbor will adopt the following changes to the definition of Vacation Rentals in the Land Use Ordinance.

Old language is ~~stricken~~. New language is <u>underlined</u>

§ 125-109 **Definitions.**

VACATION RENTALS

<u>Non-Hosted Vacation Rental</u>

The use of a dwelling unit ~~or portion thereof~~ for rent to a family for a period of less than 30 days and a minimum of five days. Time-share property, as most recently defined in 33 M.R.S.A § 591, is also included in this definition.

<u>Hosted Vacation Rental</u>

<u>The use of a dwelling unit, or portion thereof, on a homestead exemption property, for rent to a family for a period of less than 30 consecutive days.</u>

The list of attached zones it would apply to:

District	Vacation Rental Permitting Authority
Bar Harbor Gateway	CEO
Village Historic	CEO
Mount Desert Street Corridor	CEO
Village Residential	CEO
Downtown Village I	CEO
Downtown Village II	CEO
Downtown Village Transitional	CEO
Downtown Residential	CEO
Emery	CEO
Hulls Cove Business	CEO
Hulls Cove Residential Corridor	CEO
Hulls Cove Rural	CEO
Indian Point Residential	CEO

Indian Point Rural	CEO
Industrial	
Ireson Hill Corridor	CEO
Ireson Hill Residential	CEO
McFarland Hill Residential	CEO
McFarland Hill Rural	CEO
Otter Creek	CEO
Resource Protection	
Salisbury Cove Corridor	CEO
Salisbury Cove Residential	CEO
Salisbury Cove Rural	CEO
Salisbury Cove Village	CEO
Schooner Head	CEO
Scientific Research	CEO
Town Hill Business	CEO
Town Hill Residential Corridor	CEO
Town Hill Residential	CEO
Town Hill Rural	CEO
Shoreland General Dev. I	CEO
Shoreland Limited Residential	CEO
Shoreland General Dev. II	CEO
Shoreland General Dev. III	CEO
Shoreland General Dev. IV	CEO
Shoreland Maritime Activities	
Stream Protection	
Marine Research	
Educational Institution	CEO

CEO – Code Enforcement Officer
SP- Site Plan
Blank – Not allowed

EXPLANATION: The changes would differentiate between owner-occupied vacation rental properties (homestead qualified, year-round residences) and dwelling units owned by non-residents. Non-residents would be prohibited from doing more than a single vacation rental per dwelling unit and from renting for stays of fewer than five days.

Recommendations:
The five-member Planning Board recommends rejection, by a vote of 3 to 2.
The 22-member Warrant Committee recommends rejection by a vote of 10 to 5 with 2 abstentions.

Given under our hands this second day of June 2020.

Municipal Officers of the Town of Bar Harbor

_____	_____
Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
_____	_____
Gary Friedmann	Joseph Minutolo
_____	_____
Stephen Coston	Erin E. Cough

_____

Jill Goldthwait

Attest:
A true copy_____
Town Clerk of Bar Harbor, ME

CONSTABLE'S RETURN

By virtue of the within Warrant to me directed, I have warned and notified the inhabitants of the Town of Bar Harbor to assemble at the time and place and for the purposes therein named by posting attested copy of the within Notice on the Bulletin Board, Municipal Offices, being conspicuous public place within said Town on the _____ day of _____ in the year of our Lord Two Thousand and Twenty.

Attest: _____
Constable of the Town of Bar Harbor

Attest: A true copy _____
Town Clerk of Bar Harbor, ME

MUNICIPAL OFFICERS' RETURN

Pursuant to 30-A MRSA 2528(5) we have notified the inhabitants of the Town Bar Harbor of a public hearing, to be held at the time and place and for the purposes therein named by posting attested copy of the within Notice on the Bulletin Board, Municipal Building, being conspicuous public place within said Town on the _____day of _____ in the year of our Lord Two Thousand and Twenty, being at least seven days before the hearing.

Given under our hands this sixteenth day of June 2020.

Municipal Officers of the Town of Bar Harbor

_____	_____
Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
_____	_____
Gary Friedmann	Joseph Minutolo
_____	_____
Stephen Coston	Erin E. Cough

_____

Jill Goldthwait

Attest: A true copy _____
Town Clerk of Bar Harbor, ME